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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You are our mighty fortress. Lord, You have done wonderful deeds in our Nation's history. When we have cried to You in seasons of distress, You have answered us. Though our faith is sometimes small, inspire us to speak to our mountains until they move. We thank You for Your promise in Philippians 4:13, that we can do all things because of Your strength. Today, strengthen our lawmakers, granting them courage and wisdom for the living of these days. And Lord, we thank You for the heroism of the Nashville police.

We pray in Your awesome Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 29, 2023.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,  
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

#### REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 316, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 316) to repeal the authorizations for use of military force against Iraq.

Pending:

Schumer amendment No. 15, to add an effective date.

#### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

S. 316

Mr. SCHUMER. Mr. President, 4,487—4,487. That is the number of American servicemembers who perished in Iraq by the time the last combat troops departed in 2011, over a decade ago. Joining them are over 32,000 American servicemembers and civilians wounded in action and tens of thousands more who

struggled—many to this very day—with everything from toxic burn pit exposure to PTSD.

It is with these brave servicemembers and civilians in mind and their families and all who have been impacted by the war in Iraq that the Senate, today, votes to repeal the Iraq authorizations for use of military force from 2002 and 1991. The United States and Iraq—the entire world—have changed dramatically since 2002, and it is time the laws on the books caught up with those changes.

These AUMFs have outlived their use. These repeals will not harm our servicemembers abroad nor will they hinder our ability to keep Americans safe. Every year we keep these AUMFs on the books is another chance for a future administration to abuse them. War powers belong in the hands of Congress so we have an obligation to prevent future Presidents from exploiting these AUMFs to bumble us into a new Middle East conflict.

I am glad that repealing these AUMFs has been a bipartisan effort, and I hope this process can be—it should be—a blueprint for how the Senate works over the next few years. We will have amendments without being dilatory. We will have debate without stall tactics. We will continue to look assiduously, diligently for other opportunities to advance bipartisan bills.

There are many Members and staff I wish to thank for making today's vote possible because this effort has been years—years—in the making.

First, thank you to Chairman MENENDEZ, of the Senate Foreign Relations Committee, as well as Senator KAINE. To watch him work on this bill, not only day in and day out, not only month in and month out, but year in and year out because he had a such firm belief that it was the right thing to do, was a joy. Thank you also to Senator YOUNG, who worked very hard to make this happen and who brought so many of his colleagues along.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I want to thank staff who did the great work here too: Megan Bartley, Andrew Keller, Elisa Catalano Ewers, JC Jain, Nick Barbash, Lauren O'Brien, Brandt Anderson. And, of course, there is my staff. I have been blessed with the greatest staff in the world as you will hear about soon enough, about one of them: Lane Bodian, Meghan Taira, and Mike Kuiken.

The American people are tired of endless wars in the Middle East. We owe it to our servicemembers and our veterans, as well as to their families and all communities impacted by the war, to repeal these AUMFs today. I urge a strong "yes" vote later this morning.

#### FIRE GRANTS AND SAFETY ACT

Mr. President, on fire grants, as I said a minute ago, we are trying to move on bipartisan legislation that really matters to the average American person. One of these is going to be the Fire Grants and Safety Act. Later today, the Senate will vote to invoke cloture on the motion to proceed to the Fire Grants and Safety Act.

This bipartisan legislation would make sure that both SAFER and AFG—two Federal grant programs that are paid and that volunteer firefighters rely on—remain available. If we don't extend these grants, they will expire in a few months and leave our firefighters without access to the resources they need to keep our communities safe.

Our firefighters, paid and volunteer, are brave. They risk their lives for us. They run to danger, not away from it. We need to ensure they have the equipment and personnel necessary to do their jobs for their own safety and the safety of those they protect. We need this especially in smaller, more rural, more suburban areas where there often isn't enough revenue to afford more resources.

I urge my colleagues to vote yes so we can move forward quickly on this legislation.

#### DEBT CEILING

Now, Mr. President, on the debt ceiling, we are almost a quarter of the way through 2023, and House Republicans have still failed to answer the most important question of their majority.

What is your plan?

What is the plan of House Republicans to raise the debt ceiling? We hear a new explanation, seemingly every day, from some new corner of the Republican Conference, but none of it adds up to what Republicans need most—a clear, detailed, and serious plan.

Even this week, Speaker McCARTHY has, in desperation, tried another new and obviously failing approach. He laid out a new round of vague conditions, each one more amorphous than the last, and none of them with any specifics. Then he pulled a huge number out of the sky—\$4 trillion—without telling us where, when, or how we would get to it. That is not a plan. Everyone knows that.

Republicans have been utterly flailing. One day, they say they will release

a budget. Then they say they can't release a budget. One corner of the party says certain programs are off the table. Then another group of Republicans suggest the opposite. House Republican leadership is doing everything except the one thing they must do: Show the American people your plan, House Republicans. Show us your plan.

So when Speaker McCARTHY points fingers at Democrats, all he is doing—it is so obvious—is trying to deflect from problems he has in his own conference. That is what is going on every time we hear a new idea, read a new letter, or hear a new set of talking points from the Republicans. They are far too divided to unite around a single proposal. The MAGA wing is pulling in one direction, and those in the middle are pulling another way. There is no consensus in the Republican House caucus.

The solution to the debt ceiling, however, is staring the Republicans in the face. Do what we have done before, Democrats and Republicans, under President Trump and under President Biden. Stop the brinksmanship. Stop threatening default. Work with Democrats on a clean extension of the debt ceiling. No more kicking the can down the road.

Speaker McCARTHY, where is your plan?

Democrats and Republicans worked together, as I said, under President Trump. Even when the Republicans had the majority and the Democrats could have blocked it, we didn't. We knew our responsibilities to the people of America, who would be so devastated by a lapse in the debt ceiling and that their interest rates, their car costs, their home costs, and so much else would go up.

Well, we did this before by working together in a bipartisan way, without brinksmanship, without hostage-taking, and we should do it again this year.

#### WOMEN'S HEALTHCARE

Mr. President, nominations on hold.

For years, for years—decades—both parties have cooperated in the Senate to confirm military promotions, non-political. It is simply the military doing its job and promoting people who deserve it. We have worked and cooperated to confirm those promotions to ensure our military's work continues unimpeded and our national security remains strong.

But, today, one Member—only one Member, the Senator from Alabama Senator TUBERVILLE—is now blocking more than 180 military promotions because he objects to women in the military accessing reproductive care. In doing so, the senior Senator from Alabama is putting the security of America in jeopardy, and he risks permanently politicizing the confirmations of routine military promotions.

As Secretary Austin warned yesterday—this is our Secretary of Defense, who is a former four-star general—"not approving the recommendations for

promotions actually creates a ripple effect throughout the force that makes us far less ready than we need to be."

"... far less ready than we need to be," Senator TUBERVILLE. This is our national security. That is what Austin said.

Now, the senior Senator from Alabama claims that his hold has nothing to do with the Supreme Court's decision on Dobbs. Of course, it does. It has everything to do with it. He is telling women in the military they are not allowed to make their own decisions about their health.

That is wrong. I assure the Senator that our women in the military are more than capable of making those decisions for themselves, and I assure the Senator that the vast majority of Americans do not agree with him that he should make the choices for women in the military, who risk their lives for us, about their health.

It is disappointing. It is disappointing to see that more of my colleagues on the other side have yet to call out the Senator from Alabama's reckless stunt. I thank those who, indeed, have raised their voices, but we need more. Republicans, who claim to be such great supporters of our military, must announce the harm the Senator from Alabama is causing.

All of us on both sides feel deeply passionate about issues from time to time. I respect that Senator TUBERVILLE, whose views dramatically differ from mine, has deep feelings about this.

Well, Senator TUBERVILLE, I have deep feelings on certain issues—so do the other 99 Senators—but we don't hold up military promotions and risk our national security because of those deep feelings.

If every one of us did what the Senator from Alabama is doing, the military would collapse. So we ought to move forward. I implore my Republican colleagues to speak out and prevail on the Senator from Alabama so we can get these promotions confirmed, get our military operating to its full capacity, and continue working to protect the Nation.

#### TRIBUTE TO GERRY PETRELLA

Mr. President, in tribute to one of the greatest staffers, certainly, whom I have ever had and I think that the Hill has had in a very long time, I would quote Tina Turner: "Simply the best."

I will spare him and his parents, who are in the Gallery, my singing it, although we did talk about doing karaoke together at some point.

Well, that is what they will say—what they already say about the person whom I wish to honor here today at the end of my remarks.

It is never, never easy to say goodbye to a member of your team. We in "Schumer Land," as we call our group, have such a close-knit staff. We are friends. We are pals. We have each other's backs. We protect each other. It is a beautiful thing. Even when people leave, they are still part of our family,

and we see them all the time. We saw many of them last night as we said goodbye to Gerry at a local pub—an appropriate place, I might say, to do that.

So it is never easy to say goodbye to a member of your team, but it is even harder when that person has worked with you—or put up with you depending on whom you ask—for 15 years. It is still harder when that person happens to be Gerry Petrella. His real name is Gerard Anthony Petrella, reflecting his Irish and Italian roots. I have nicknames for some of my staffers. They just pop up. He has always been Gerald even though his name is Gerard. I think it is 15 years he has been Gerald. It hasn't stuck with anyone but me, but it is there.

Well, it is with immense gratitude—sorrow as well—that I close today by saying thank you, thank you, and bidding farewell to one of the very best to ever do it here in the Senate—our policy director, Gerry.

I met Gerry when he was a staffer for a local town official.

I said: Boy, this guy is good.

And we are always on the lookout, myself and my two great chiefs, whom I am so grateful for, Mike Lynch and Martin Brennan—two tough Irish guys who have kept this Jewish kid going forward for a long time. Anyway, we always are looking out for good staff, and when we saw this guy, we said: We have got to get him.

Brennan sat down with him and said: Oh, he is good.

I sat down with him. He reminded me, last night, that I had him drive to come talk to me before the Super Bowl of the Giants and Patriots—the first one. They won two, I remind my friends from Massachusetts and New England. I met him, and I said oh boy. So Gerry began running our Long Island office.

He did an amazing job, an amazing job. So good, that after he had done 4 years there—whatever Gerry does, he works his heart out. He never burns himself out because he has got incredible energy. But he works his heart out. It was time for a change. So we asked him to come be our director—a new position—of economic development here in Washington. The number of jobs, the number of projects, the number of things he created was just amazing.

Then, of course, he became our policy director. When I became the leader, he became the policy director of the whole Senate. He did amazing things there, as I have said before.

Rarely, rarely can you say when someone leaves, no matter what else they do in their lives, they have so benefited millions of Americans, many of whom have seen the benefits already—\$35 insulin for Medicare—and many more who will see those benefits for years to come. They may not know it was Gerry Petrella who did it, but we do. We do. He changed the world.

His work was so important. We had the greatest 2 years that this Senate

has seen. We led the country, we led the party, we led everybody in doing this with the BIF, and the IRA, and the CHIPS and Science bill, and the PACT Act, and the gun bill, and so much else—marriage equality. They wouldn't have happened without Gerry Petrella. That is about the greatest compliment you can pay to someone.

So, Gerry, thank you. Thank you for never giving up on me after all these years. Thank you for coming to the office every single day and pushing, pushing, pushing.

He is not only brilliant, he not only comes with good ideas, but he is a jackhammer—rat-a-tat-tat. He keeps pushing and pushing and pushing until he gets it done.

So thank you for doing that, for setting the tone of our team, for defining our vision, for laying out a strategy and executing in good times and bad. Thank you for working to the bone to find a path forward to pass our agendas, especially when it seemed out of reach. Thank you.

And I don't want to neglect the fact that he has deep feelings on so many different issues, and he had the luxury and the ability to get those done. So I also thank Gerry for staying true to himself and his values as he worked in the maelstrom that is Senate legislating on such important bills.

Gerry is a man on fire with love for his country, love for the issues, love for the work.

Thank you, Gerry.

Thank you to Gerry's parents, who, as I mentioned, are here in the Gallery.

Thank you to George, who had both of his parents often in the office for many long hours—cute little George—and our great legislative director, Meghan Taira.

Gerry, thank you for all these great years. You will always be in our family. You will always have a place here in the Senate. My very best on the next wonderful chapter in your life. God bless you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

#### COVENANT SCHOOL SHOOTING

Mr. DURBIN. Mr. President, the events this week in Nashville, TN, are still fresh in our minds. The thought that a shooter went on the campus of a Christian school, a school for children—little children—this person who went on that campus blasted her way into the building and then took the lives of three 9-year-old children and three adults, who were the principal and staff at the school.

It is heartbreaking to think that we are reliving the scene over and over again, where our children who are sent by their loving parents off to school, lunches in hand, never came home—never came home.

We don't know all the details yet of the shooter or the weaponry which she owned at the time or used in the event, but we do know that there were weapons that we are very familiar with.

One, of course, is the AR-15, the military-style assault weapon that has, sadly, become so popular in America.

This morning's Washington Post had an editorial which touched me personally and I wanted to share this morning on the floor. I will quote from it. The editorial board wrote:

These attacks are always heart-wrenching. But they're not surprising anymore—neither the massacres themselves nor the weapons used to carry them out. Ten of the 17 deadliest mass killings in the United States since 2012 involved AR-15s. The names of the towns and cities where these tragedies took place have become familiar: Newtown, San Bernardino, Las Vegas, Parkland, Uvalde and beyond.

The Washington Post spells out the specific cities each year where these mass shootings took place with AR-15s and the number of people who were killed. I am going to read the names of these communities into the RECORD, as they should be:

Las Vegas, NV, 2017. An AR-15 weapon was used. Sixty people were killed.

Orlando—Pulse—FL, 2016. An MCX rifle. Forty-nine people killed.

Newtown, CT, Sandy Hook Elementary School, 2012. The shooter had an AR-15. The shooter killed 27 people, including those beautiful little children.

Sutherland Springs, TX, 2017. Another AR-15. Twenty-five people killed, including a pregnant woman.

Uvalde, TX, 2022. Another AR-15 military assault rifle. Twenty-one people killed.

Parkland, FL, 2018. Another AR-15, killing 17 people.

San Bernardino, CA, 2015. An AR-15 there killed 14 people.

Aurora, CO, 2012. Another AR-15 killed 12.

Pittsburgh, 2018. An AR-15 killed 11.

Boulder, CO, 2021. An AR-15 killed 10.

Buffalo, NY, 2022. An AR-15 killed 10.

They cut the list off at 10 deaths in a mass shooting involving these military-style assault weapons, so they didn't include Highland Park, IL, but I want to make a record of that.

Fourth of July 2022. An AR-15-style weapon. Seven killed and dozens wounded, including an 8-year-old boy who will be paralyzed for life.

These are the realities of the AR-15 as it is being used. It was designed to do just this: kill massive numbers of people, of human beings.

One in twenty U.S. adults owns at least one AR-15. Think of that. One out of every twenty Americans owns at least one AR-15. That is roughly 16 million people storing roughly 20 million guns designed to mow down enemies on the battlefield with brutal efficiency. That is the reality the Washington Post reports.

The rise in production of the AR-15 is stunning. AR-15s accounted for 1.2 percent of all manufactured guns in 1990—1.2 percent—and 23.4 percent of the guns produced in America in 2020. Thirty years later, almost one out of every four guns produced in the United States is an AR-15 military-style assault rifle.

The AR-15 is materially different than traditional handguns. The rifle fires very small bullets at very fast speeds. The projectiles don't move straight and smooth through human targets like those of a traditional handgun—our image of a bullet hole in a movie. Their velocity turns them unstable upon penetration so that they tumble through flesh and vital organs.

Mr. President, I thought long and hard about reading the next two or three sentences of the Washington Post editorial on the floor of the Senate. I am not going to read them because they spell out in a few words but in graphic detail what happens to the body of a child when it is struck by one of these military-style assault weapons. I can't bring myself to think that one of those parents might be listening to this Senate proceeding and have to relive the horror of the moment. But suffice it to say, what happens is devastating and horrible to any human body but certainly to the body of a small child.

Mr. President, think of Sutherland Springs, where the shooter, armed with the AR-556 Ruger, fired off 450 military-grade bullets within minutes, killing 25 people, including a pregnant woman.

Think of Dayton, where the gunman needed only 32 seconds to hit more than two dozen people with 41 bullets. That is because he was equipped with a 100-round drum magazine. Even a 30-round magazine, which is now the industry standard today, would have forced him to reload at least once. A 15-round magazine would have forced him to reload twice. The Washington Post's analysis of the time that would have taken reveals that lives could have been saved, potentially six of the nine who were killed, because of the high-capacity magazine that was attached to the gun.

There should be a ban on these high-capacity magazines. It is hard to imagine that you can listen to these numbers and the devastation of these weapons and imagine someone rationalizing that when our Founding Fathers sat down so long ago to write the Second Amendment, they envisioned what we are facing today in Nashville, TN, and in Highland Park, IL, and in 131 different instances of mass shootings so far this year. And less than 90 days have passed in this calendar year—over 131 mass shootings. And as I go through the list here of those involving AR-15s, the numbers of casualties and deaths are astounding.

This should be shameful to this great Nation, to think that the United States of America accepts this as part of our constitutional right, our constitutional responsibility, to own a mass killing weapon like the AR-15; that virtually one out of four of all guns manufactured in this country today are AR-15 weapons. Are we out of our minds to let this happen, to let children in Nashville, children in Connecticut, children be victimized or anyone be victimized

by these at a Fourth of July parade or wherever it happens to be?

I listened to my colleagues yesterday. One of them brought this up in the Senate Judiciary Committee, challenging Secretary Mayorkas of the Department of Homeland Security as to whether he supported an assault weapon ban. He said he did. I do too.

The Senator then said to him: Well, define an assault weapon for me.

Well, it is an interesting challenge. We did define it when we banned assault weapons for a period of time and saw the number of mass shootings decline dramatically in our country. But, of course, the producers of these weapons changed them just enough to be outside the definition. So there is no question that we are dealing with a moving definition, and we have to be open to the reality of it. But is this beyond us as a nation, to define a weapon in a way that we can legitimately regulate it?

Who should own an AR-15? I obviously would say the military. That is what they were designed for. Police, in extraordinary situations, might need them—I can see that—some specialized law enforcement agencies. But why in the world does an individual American need an AR-15, particularly with a high-capacity magazine? It isn't for hunting; that is for certain. It is hardly for self-defense. It can't be much for sport. What is the rationale behind this?

Then you look at the Supreme Court and the recent Bruen decision. You wonder, What are they thinking? What is going through the mind of Supreme Court Justice Clarence Thomas as he is arguing that somehow the AR-15 military assault weapon that is killing so many Americans and groups was envisioned by the Founding Fathers when they wrote the Second Amendment? They were dealing with powdered wigs and flintlock rifles. They certainly had no idea what a high-capacity magazine can do to a large group of people, as we have seen so many times over and over.

Well, what are we going to do about it? is the obvious question. Senator, nice speech. What is next? Well, I will tell you what is next. The American people are next. If they are fed up with the situation, as I am—and I know many are—they have to make it a condition when they come to vote for Members of Congress.

Currently, the House of Representatives is under the control of the Republican Party. The likelihood that they will consider any gun safety legislation is minimal. We now have a scant majority in the Senate but not enough to break a filibuster over an issue. So we have limited opportunities.

What it takes is a decision by the American people to put an end to this madness. The people they elect to the House and Senate—there have to be simple questions asked for people to understand where they are going to stand when issues of gun safety come before them.

I will just tell you, Mr. President, that as chairman of the Senate Judiciary Committee, I am sorry we don't have the votes now to act. We need to do it—not just for the great people of this Nation but also for their children and grandchildren.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I have come to speak on a different topic, but I want to commend my friend the Senator from Illinois for his comments. I agree with him.

Just yesterday, my colleague and dear friend Senator Kaine and I met with four of the families who were part of one of that litany of shootings, in Virginia Beach, where a mentally deranged individual came in and brutally murdered 12—mostly city employees and a few folks who were there to try to get city services. The anguish, pain, and hurt of these four families 4 years after the fact reflect the kind of anguish and hurt that the families in Nashville are feeling and so many countless others.

I commend the Senator again and agree that it is incumbent upon us to do our job. Thoughts and prayers are not enough.

I thank him for his comments.

S. 316

Mr. President, I come to the floor this morning where, after 2 weeks of consideration and debate—and I have not been part of all that debate. I would like to say I had been because then I could use an excuse of why my voice sounds so crummy this morning. But after 2 weeks of debate and literally the way the Senate used to function, with votes on a whole host of amendments, the Senate shortly is poised to take a truly notable action: voting to repeal not one but two authorizations for use of military force, finally taking these outdated authorizations—dating all the way back to 2002 and the previous one, back to 1991—off the books.

This is an important step for Congress in reclaiming its constitutional duties with regard to authorizing the use of U.S. forces in combat. I want to give credit to the Biden administration for supporting this repeal and to the bipartisan majority in Congress who have brought this measure to the brink of passage here in the Senate.

As we come to the floor, getting ready to take this vote, we would not have gotten here, I can assure you, without the steadfast leadership of Senator Kaine and Senator Young. These two have been partners on this effort since 2019.

For Senator Young, given his service as a marine in the decade right in the middle of these two authorizations, I know that this fight is personal for him, and I appreciate his tireless work on this. And starting off on that fight, it was a little more challenging, perhaps, on his side of the aisle, but he has been relentless. He has, through the

power of his passion and conviction, convinced a number of his colleagues to join this event.

This will go down, I believe, as one of Senator YOUNG's most significant accomplishments, accomplishments that I have worked with him on as well—for example, the CHIPS bill last year, the science bill—where he also provided enormous leadership, and I thank him for that.

But I would be remiss here today if I didn't spend the balance of my 2 or 3 minutes on the efforts of my great, great friend of 43-plus years TIM KAINE, who I think we would all agree that without his efforts, we wouldn't be here today.

For the decade—or a little more than a decade that Senator KAINE has served in this Chamber, he has been the leading voice—and a lot of times the only voice, much to the chagrin sometimes of folks in my party, much to the chagrin sometimes of the Obama administration—in working to push this Senate to live up to its constitutional duty—that duty, which is one of the most solemn ones we have, which is the exercise, the power to declare war and, ultimately, to commit our young men and women—fellow Americans—into combat.

Now, this is also very personal to Tim. We both have the honor of representing the State that has probably the highest concentration of military and veterans of any State in the country. TIM also brings the experience of being a father of a marine. I remember watching Matt grow up—our families have been friends—and when he chose to go into the marines, I don't think we were surprised, but the way he distinguished himself in that duty, serving abroad in deployments to Africa and elsewhere and then serving back here in this country, you could always tell how proud Tim and Anne felt about Matt's service. But you could also feel the extra burden of responsibility he felt to make sure what he owed not only to Matt but what he owed to, literally, every young American who served in our military.

So this has been something that—this push has really been one of the guiding principles that has directed Tim throughout his whole career in the Senate. I think back to initially him raising these issues in the Foreign Relations Committee back in 2013, saying it was time for Congress not to simply take a passive role or be a Monday morning quarterback—or, more likely, a Sunday morning quarterback—on the news shows about our constitutional responsibility in weighing in on conflicts that were taking place around the world that went well beyond the original authorizations of these AUMFs. He constantly would try to bring up this issue—again, many times being the only voice—and I know how much he respected President Obama—many times going against the position of the Obama administration. Now, other folks might have, at some point,

whether it was Democratic leadership at the White House or his fellow Members, said, you know: Can't you get off this? This makes us all feel a little uncomfortable.

And my friend TIM KAINE, it is hard to work with him. We are a great partner. I am the glass “three-quarters empty guy”; he is the glass “overfilling with confidence and hope guy.” But even that constant hope and belief, there had to be times during this decade of fighting on this when he had to have lost a little bit of faith—could this actually get done?

But that relentless optimism, that belief based in his faith, that if you keep on something, that people will ultimately do the right thing. And at the end of the day, that dogged determination, all that has come about in these last 2 weeks, is a testament to that kind of hard work.

I have watched it at times when he kept, year after year, kind of banging his head against the wall—and, again, there are a lot of us, sometimes even I felt this way—well, you know, maybe we should do it next year; maybe this is not the right time; maybe there is some other reason where, you know, this can wait a little while; it is not on the front of mind. But, for TIM KAINE, it was always front of mind. Working now with our friend TODD YOUNG—but his prior partners, great Senators who I had the opportunity to work with, Bob Corker and Jeff Flake—he has been just relentless.

And this profile and courage—profile in doing the right thing—is a great testament to the people of Virginia and, frankly, to the people in our Nation that this Senator keeps his eye on the ball.

Now, when I told Senator KAINE I might want to make these comments, he said: But, Mark, we are not at the finish line; we still have to get it through the House.

Well, I think you are going to have a remarkable vote in a few minutes due to the work of Senator YOUNG and Senator KAINE. And that overwhelming majority that is going to be posted here today, I think, will propel this action in the House. And I am very glad to see that the Speaker of the House has indicated that he will bring this legislation up.

There are more debates to be had and more votes to wrestle down and more amendments when it gets to the House; but, at the end of the day, this bill is going to become the law of the land. Congress is going to take back its Constitutional responsibility over the power to declare war and to put our troops in harm's way.

It wouldn't have happened without the great work of Senator TODD YOUNG. This debate wouldn't even have still been alive, still vibrant, still forcing us to do our job without the relentless, tireless work of a great public servant, a great Virginian, a great American—my friend TIM KAINE.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Republican whip.

PERSONAL HEALTH INVESTMENT TODAY ACT

Mr. THUNE. Mr. President, as the winter season drew to a close, South Dakota's high school and college athletes were busy. And from basketball and wrestling to track and field, they have a lot to be proud of. The University of South Dakota Coyotes swept the men's and women's Summit League titles for indoor track and field for the first time in program history. Black Hills State made a Final Four run in the Division II men's basketball tournament. And South Dakota State wrestler Tanner Sloan came in second at the NCAA tournament as the Jackrabbits wrestling team notched its second highest finish as the Division I program.

As I traveled around South Dakota this month, I was able to see many of our student athletes compete. I saw Lower Brule take on White River in the high school boys' basketball semifinals in Aberdeen. I caught the girls' Class B, State B basketball tournament in Huron, where I got to see my hometown Jones County Coyotes cap off their historic season. And I was at the Summit League tournament in Sioux Falls as the South Dakota State women began their run for the tournament title.

Being back in a high school gym—seeing student athletes playing hard and working together for the good of their team—always brings back good memories. And it makes me reflect on how sports have shaped my life. In addition to instilling important values like teamwork, humility, and service, playing sports taught me the importance of staying active and made me a lifelong fitness enthusiast.

The benefits of living an active life are well-documented. Regular physical activity is associated with greater physical well-being, longer lifespans, and improved mental health. Staying active can help prevent a host of chronic conditions, including type 2 diabetes, various types of cancer, heart disease, and depression. And for those who do develop chronic conditions, exercise can help to manage them. For example, according to Mayo Clinic, physical activity can help prevent heart disease from getting worse and lower your risk of dying from the disease—or, to name another example, exercise's benefits for managing anxiety and depression are well-known.

In fact, one study found that exercise may be more effective than medication when it comes to managing anxiety and depression. And the health benefits of exercise can also help individuals save money on healthcare as they age.

One study found—and here I quote a New York Times article:

People who start to exercise before or during middle age typically save anywhere between \$824 to \$1,874 annually on healthcare costs after retirement, and the earlier they start their workouts, the greater those savings can be.

That is from a study conducted by the New York Times.

Unfortunately, despite exercise's significant health and even financial benefits, a lot of American adults and children either don't exercise at all or don't get enough exercise. There are a number of reasons for that, of course, but one disincentive to exercising can be the cost of some exercise equipment and programs.

Some of the tools that can help people be more active—like a gym membership or fitness equipment—can be too costly for some Americans. Even registration for youth sports leagues can be expensive, making it harder for some families to take advantage of these activities' health benefits. That is why I recently introduced the Personal Health Investment Today Act—it will be called the PHIT Act—with Senator MURPHY.

The PHIT Act would allow Americans to use a portion of the money in their pretax health savings account or flexible spending account for fitness-related expenses. It wouldn't cover things like an expensive new putter or fees at a country club. But it would allow individuals to use up to \$1,000—or \$2,000 for married couples—from their HSA or FSA to invest in preventive health tools like exercise equipment or a gym membership—investments that can result in meaningful long-term health benefits as well as healthcare savings.

The PHIT Act would also allow families to use these pretax dollars for youth sports registration fees and some of the gear that kids need to participate in sports. The typical family pays hundreds of dollars a year for registration and equipment for youth sports.

Many families say sports can be a strain on their budgets, something that has only become more pronounced as inflation has gone up. And, unsurprisingly, some families have had to reduce their kids' level of participation in sports because of the cost.

As I said earlier, I learned a lot by playing sports while I was growing up, and I am sure I am not alone. Youth sports are one of the best ways to build lifelong healthy habits. They help kids build strong friendships and learn important skills and values that they carry throughout their lives. And the PHIT Act would help reduce some of the cost barriers that many families face when it comes to getting their kids involved in sports.

With more and more of our life spent with technology, we can't overestimate the value of spending time disconnected from screens and being active. Fortunately, no matter how well my bracket is doing, watching March Madness always makes me eager to "lace 'em up," as they say, and get on the court myself. Although, I will be honest, I spend, these days, more time trying to keep up with my grandkids than I do working on my jump shot.

But whether you are playing in a rec league or with your kids, going to a

gym or making a walk or a run as part of your routine, staying active throughout your life is an important part of staying healthy. And with the warmer weather inching closer every day, it is a great time to get active.

The PHIT Act is a commonsense way to help encourage more Americans to invest in tools that make fitness goals easier to attain. And I will continue to work to pass the PHIT Act and promote healthy living for more Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled votes: Myself, for up to 10 minutes; Senator Kaine, for up to 10 minutes; Senator Risch, for up to 5 minutes; Senator Menendez, for up to 5 minutes; and Senator Schumer, for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 316

Mr. YOUNG. Mr. President, I am proud to join my colleague, the great Senator from Virginia, Senator TIM Kaine, on the floor of the Senate today. And as we await this final vote—final passage of the repeal of the Authorizations for Use of Military Force in 1991, the Gulf war, and, in 2002, the Iraq war—I reflect on just how much work it took to get here, how much persistence. And I thank Senator Kaine for sticking it out.

A lot has happened over the last couple of decades.

A lot has happened over the last couple of decades. Twenty years ago, American soldiers were fighting that war in Iraq. Today, they are still there. They are advising Iraq's army at the invitation of the current government. Twenty years ago, Iraq was our enemy. Today Iraq is a strategic partner, an ally in advancing stability across the Middle East. A lot has changed in the last 20 years; and, yet, according to our laws, today we are still at war with Iraq.

This isn't just the result of an oversight. It is an intentional abdication of this body, of its constitutional role in America's national security. Allowing it to continue is a strategic mistake. It is a mistake that disrespects the sacrifices of our soldiers and their Iraqi partners as well. It is one that could endanger their work across the Middle East, and it is central to our national security that we set this right.

Here is why.

Iran has designs on a path to the Mediterranean Sea. The world's leading exporter of terror wants to build a route to move manpower and materiel to its proxies all across the region. Once it reaches the sea, it will establish a foothold to threaten Europe. This terrorism thoroughfare would run through Syria, through Lebanon, and, of course, through Iraq. Iran has sent many thousands of soldiers into Syria

to prop up Dictator Bashar Al Assad and co-opted regions of that war-torn nation. Lebanon's institutions are weak. Hezbollah, with Iran's backing, dominates many sectors of the government and the country.

Iraq cannot follow this path. It cannot become a satellite of Iran, and Iran cannot be permitted unrestricted access across the region.

Our advisers are fortifying and working with the Iraqi Army to prevent this dangerous future.

But we are undertaking this vital mission with a nation we are still technically at war with. The authorizations for both the 1991 Gulf war and 2002 Operation Iraqi Freedom are both still on the books. These authorizations for long-ended wars passed almost entirely by Members of Congress long-retired. These authorizations are outdated. They are a detriment to our national security strategy, and they are an abdication of Congress's constitutional role in declaring and, yes, ending wars.

In the centuries before our revolution, Kings waged wars—wars that their subjects fought. Reflecting on this history, our Founding Fathers placed the power to make war not with the executive, but with this branch, the legislative branch. And it is here in our Congress, in the people's Congress, they determine that debate and deliberation and consensus should precede a decision to go to war or to avert it.

You see, the Framers placed this great responsibility in our hands—our hands. And we let it slip right through them. By allowing these authorizations to live on long past their purpose, we have forfeited the power to make and to oversee wars to the White House. Presidents of both parties—of both parties—have employed specious legal reasoning and used them as a justification for military interventions wholly unrelated to their original missions.

So here is the choice before us: We repeal these authorizations; we restore a part of our system of checks and balances; or we let them live on, extending a permanent blank check for Presidents to bypass Congress in authorizing military action. That is the choice.

By doing the former, we not only take a step towards realigning the function of our government with its Constitution, we also send an important message to Prime Minister Sudani that our interests are shared; our nations are allies; that we will continue to partner with Iraq to train and equip its Army in their fight against ISIS; and that we oppose Iran's violation of Iraq's sovereignty and its ambitions of regional dominance—ambitions that endanger the world far beyond the Middle East.

And let us not forget that in case of urgent national security emergencies, even after repealing these authorizations, Presidents can still, as they can now, invoke their article II war powers.

In closing, I just want to underscore the heroic legislative efforts—the heroic leadership—that my colleague TIM

KAINE has shown throughout this long effort to get this legislation on the floor to persuade those around the country that this should remain a first-order priority; to persuade people in both parties that this merits our time and our attention; that these repeal efforts are important not just to this generation, but to future generations.

Thank you to Senator KAINE and his team.

I want to thank my team—my amazing national security team and legislative team—for their hard work on this effort, as well.

I want to reiterate something I know that Senator KAINE agrees with: that repealing these war authorizations will give a greater voice to those whom we represent. We live with the possibility every day that our men and women in uniform could be called away to fight, to sacrifice their very lives for our freedom. We dread for that moment to come. But if it does, we must be certain that the American people are united behind the decisions we make here and that our intentions are clear to our military commanders.

By reclaiming our war powers, by restoring the open, civil, but passionate debates about matters of war and peace, we will do exactly that. And our Nation and its allies will be stronger and safer because of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, the United States invaded Iraq following congressional authorization exactly 20 years ago, March 19 and 20, 2003.

In that war, nearly 4,500 Americans lost their lives and more than 31,000 American troops were wounded—some grievously—who will carry that wound for the rest of their lives. Hundreds of thousands of Iraqi civilians were killed.

I rise thinking about all of them as we come close to a vote to declare these wars are over.

It wasn't too long into the war when criticism of the decision to go to war began. There is no criticism of the heroism of the American troops who served ably, who did so well, who protected their colleagues, who protected civilian life the best they could. But there began to be criticism of the rationale for the war.

Two of the rationales for this war were that Iraq had weapons of mass destruction. That was very convincing to many colleagues here. It turned out not to be true. And another of the rationales that was occasionally advanced was that Iraq had participated in the 9/11 attack. That proved not to be true.

So much of the analysis of the Iraq war, looking backward over 20 years and lessons learned, has focused upon the rationales advanced that turned out not to be true.

But there was another challenge; and today is an effort, in many ways, to try

to fix that challenge. And the challenge was this: We rushed into it. There were 4,500 who died; 31,000 who were wounded, the hundreds of thousands of Iraqi civilians.

What we have to contemplate is the reality that we rushed into a war—this body rushed into a war. The Iraq war resolution was filed in the House in early October 2002, assigned to a committee, and came out of the House in a week. The resolution was pending in the Senate—no committee action, no committee opportunity for inquiry, amendment, debate. It was pending in the Senate for 3 days—3 days.

The Senate voted to go to war—a war that has had massive consequences—with a total of 3 days of analysis. Taking the time to be the greatest deliberative body in the world does not guarantee that we will get everything right. But short-circuiting a decision, especially a decision of such magnitude as to whether the United States should go to war, maximizes the chance that we, as fallible humans, will get it wrong.

I believe many of the challenges that we faced in the Iraq war began with that rush. I am very dedicated to the proposition—and I have been since I came here—that the United States and the article I branch of Congress, we should never be pushed into a war and we should never be rushed into a war.

The repeal of the 1991 and 2002 AUMF has been on the floor of the Senate for 2 weeks, not 3 days. The repeal has been pending before the body since 2019. It has had two different markups in the Senate Foreign Relations Committee where members got chances to offer amendment and debate and vote twice. The effort over the last 13 days has involved 11 votes on amendments in this body. In the declaration of war, there were only five amendment votes.

We have given dramatically more time in this body to the question of whether we end two wars—one declared in 1991 and one declared in 2002—than was given to the momentous question of whether we should start a war.

I think that is a lesson that we should all absorb and learn from. I want to thank my colleagues who have been so helpful in this regard. Senator YOUNG has been such an able colleague in this path from the very day he came into this body and was assigned to the Senate Foreign Relations Committee; his bona fides, having worked with a great Member of the Senate, Senator Lugar; and his marine service made him somebody who grabbed this issue immediately.

I want to thank the Senate Foreign Relation Committee's leadership, Senators MENENDEZ and RISCH, both of whom have cooperated to try to give this the attention and deliberation it deserves. I will say this about Senator RISCH: We have had disagreements along the way, but here is a man who knows how to disagree without being disagreeable—curmudgeonly, yes, but not disagreeable.

I also want to thank Senator SCHUMER for being committed to make this happen.

Also to Senator WARNER for his pep talks when I would get down about how come I am not able to convince anybody. He would give me pep talks, and I appreciated his comments.

I appreciate the outside groups that weighed in in significant ways—American Legion, Concerned Veterans for America, Friends Committee on National Legislation, and so many others.

I very much want to thank my staff, many of whom are here, who have worked with me on this and, probably like Senator WARNER at some points, wondered why I was so obsessed about it. Can't we move on and do something else? I learned early, I am not going to get my way by looks, so I better get it by persistence. And this has been one of those efforts where persistence has helped.

And the passage of 20 years, and even the anniversary—the 20th anniversary, has kind of opened a reflective moment where I think we are moving in the right direction.

Last thing I want to say is this: This is, obviously, very important to me, personally, on this topic, coming from a State that is so military in our focus and proudly so, being the father of a marine—that makes a difference to me. But even if this debate were about another topic, I am so glad that we just spent time deliberating, for gosh sake, instead of rushing to a war in 3 days. We had a very robust process of full committee consideration, of full Senate floor debate, of amendments—some that were easy and some that were really hard; some that were really close and some that weren't so close.

We showed that we can operate in what I have never really experienced in the time I have been here, but what I have had glimpses of in this debate: We can operate according to sort of a regular order—the way we should do things. And regular order is kind of a phrase; who knows what that means?

It means deliberation when we are making important decisions, allowing the committees to take their time to do the work, allowing committee members to shape a bill, getting the bill on the floor, giving it the time it deserves. That is what the Senate has been known for since 1787.

We have declined in our ability or, perhaps, our willingness to do it the old-fashioned way, but when we do it the old-fashioned way and we deliberate, we make better decisions. And I am proud to have been part of a decision-making process that has enabled all 100 Senators to participate in a meaningful way.

I yield the floor.

Mr. WELCH. Mr. President, I rise to voice my support for S. 316, a bill to repeal the authorizations for use of military force against Iraq. Sending America's sons and daughters to fight in foreign lands has serious consequences. Those who volunteer for military service, as well as their families, agree to



carry things with them for their lifetimes—sometimes difficult and painful things—all at the behest of the U.S. government and on behalf of the American people.

I am grateful for and thank those servicemembers who bravely conducted themselves in Iraq with honor, restraint, and in accordance with American values and ideals. With that important preface, let me say clearly: I opposed the Iraq war. I opposed the Iraq war before I was elected to Congress, while I was a Member of the House of Representatives, and I oppose it today.

I believe that by any objective measure, the 2002 U.S. invasion of Iraq was among the greatest foreign policy disasters in my lifetime. Not only did it cause death and immense suffering of thousands of Americans and hundreds of thousands of Iraqis, but it also ignited a series of regional tensions and tertiary conflicts that have carried on for decades.

Both the Gulf War and the 2002 invasion of Iraq required legal authorities. The Iraq authorizations of military force were legally necessary and largely supported at the time. However, very practically, we no longer need an authorization for use of military force against a country we now regard as a partner and to which we provide hundreds of millions of dollars in economic and military aid. This bill recognizes the positive evolution of our relations with the Government of Iraq. We will continue to work with our Iraqi partners to limit our military presence and narrowly define the actions our servicemembers are authorized to take. It is also important to note that this resolution will have no impact whatsoever on current U.S. military operations.

Some opponents of this bill have suggested that repealing the authorizations for use of force will embolden our adversaries or exhibit America's weakness. To the contrary, whether one supported or opposed the invasions of Iraq 31 and 20 years ago, it is important to repeal these antiquated relics of history.

As national security threats arise, they should be properly addressed. The President can request congressional authorization for the use of military force with properly debated justifications, after which, Members of Congress will vote their conscience and America's will. This bill does nothing to restrict presidential powers of this nor future Presidents. America will defend herself—always. However, it is critical that America's use of force be thoughtful and deliberate, informed by accurate intelligence, and used only when necessary to preserve and protect our vital national security interests.

Over the years, I have consistently voted to repeal the Iraq authorizations for use of military force. I commend my colleagues, Senators Kaine and Young, for their tenacity and determination to see these repeals through. I also strongly support a review of the

2001 authorization for use of military force which has been the legal basis for actions far beyond what was ever intended after the attacks of 9/11.

For the task at hand, however, I urge all Senators to support S. 316, a bill to repeal the authorizations for use of military force against Iraq.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. Risch. Mr. President, thank you very much and thank you to Senator Kaine.

I will start with this. There are a lot of things he said that I agree with, and, particularly, that part about him not getting very far with his looks and instead using persistence. I think he is absolutely correct in that regard.

Senator Kaine has been a true, committed, good-faith warrior on this issue, as has Senator Young, and some of the things that were said out here are absolutely accurate and deserve to be underscored and things that I agree with.

First of all, I really appreciate Senator Kaine pointing out the fact that the deliberations on this particular repeal of the AUMF to get the rule off of the books regarding war has taken a whole lot longer and a lot more deliberation than the actual passage of it to get into the war.

It is easy to stand here and say that people were wrong who did this 20 years ago. I don't know how many are left. There is only a handful, maybe half a dozen, who were on this floor at the time they voted for it. In their defense, of course, they had information that was very different than the information that we have today, which is unfortunate, because, as you have pointed out, there has been a lot of harm done as a result of this.

So we should start with that, and that is that one of the most important things we do here in Congress is deliberating whether or not to send our sons and daughters into harm's way in war. There is nothing more somber than that, and to those who actually fought in this war, the view that America has toward them of appreciation for their taking up the arms when we asked them to do so cannot be overstated. It is a tremendous sacrifice that they have made, and we owe them a lot.

Having said that, I come back to what Senator Kaine has said for a long time. If that vote were held today, I think it would be unanimous that we not pull the trigger as was done 20 years ago. But that was then and this is now, and the information is very different.

So to the men and women in uniform, their service was honorable. Less than 1 percent of Americans raise their hands to answer the Nation's call when this happens, and we have to commend them for that.

While I support the repeal of the 1991 Gulf war authorization, I don't support the repeal of this 2002 AUMF at this time. This needs to be repealed; there is no question about it. It should be re-

placed by something, and that is one of the real problems here, because the debate to do that has been ongoing for as long as I have been here, and we have been unable to land on the same point to get it done. Again, we mostly agree, but there is a handful of disagreements on it. So with that, I cannot vote for it at this time.

Part of the problem—well, there are two problems here: One is the fluidity in Iraq at this time, and the second one Senator Young properly and clearly outlined what the ambitions of Iran are. The fluidity in Iraq and the ambitions of Iran are the two reasons why I am opposed to repealing at this time.

Iraq itself is a less-than-perfect security partner. All of us on Foreign Relations have dealt with that issue over and over again, as we have had ups and downs there. They are a less-than-perfect partner.

I have serious concerns about the influence of the Iranian-aligned militias, which I know my friends do also. These are real problems. Across multiple administrations—both Republican and Democrat administrations—the 2002 AUMF has been used to address threats emanating from Iraq.

Specifically, multiple administrations have relied on its authority to address the threat from Iran-backed militias, and Iran is clearly the problem here. I have been in the room when these decisions were made. I have participated in those decisions, and the 2002 AUMF was a factor in those decisions.

Should the statutory authority fall away, we are only left with the President's constitutional article II powers to protect Americans. My colleagues on the other side of the aisle and some on my side of the aisle are quick to point out that the President's constitutional authorities are used as an excuse to support repeal, what we are doing here. But those constitutional authorities are unfettered and really unrestrained as far as the President is concerned.

So by repealing this, instead of reasserting congressional authority, we are actually ceding solely to the President, the executive branch, which no one in this room wants to do.

Further repeal signals finality and an end to hostilities but, the Iranian-backed militias continue to attack us. Iran has long sought to eject the United States from Iraq, but Iran and its proxies have attacked American troops and diplomats over 80 times just since President Biden took office and with only a few U.S. responses.

It is clear that Iran doubts American resolve. I stand here today to say to Iran: Have no doubts. We do have resolve.

Just last week, we lost yet another American in Syria at the hands of an Iranian-supported militia. It is objectionable that the administration didn't notify Congress of this attack until after we completed debate on relevant amendments and had adjourned for the week.



I know my colleagues who are on the other side of this issue probably have the same bad feelings about that that I do. This was not right, to withhold this information from us.

The Biden administration talks about defending our interests and deterring Iran. The administration launched a strike in retaliation for killing that American last Thursday, but in response the Iran-backed militias simply conducted an even larger attack against us.

The truth is the administration is failing and has failed in its attempts to deter Iran, and today we are in not a very good position in that regard. That is why this repeal sends an additional dangerous message at a poor time and further weakens U.S. engagement in the region.

It is clear the region sees the Biden administration sitting on the sidelines. This repeal will only add fuel to the narrative that the United States is disengaging from the region, which we hear all the time. We should remember that great power competition is global, not just in Asia and the Pacific, though, of course, those issues have raised their ugly head in recent years.

I also remain unconvinced that the administration has conducted any meaningful consultations with Iraq, Israel, or other partners on the repeal of this authority and how those reactions may affect U.S. burdens and commitments in the region. Consultation with our partners is always important.

Finally, turning to detention authority, for years the 2002 AUMF has been cited as authority for detention for known captured terrorists. Last week, I put forward an amendment that would require the Secretary of Defense to certify that repeal of this authority would not harm detention authority or the U.S. litigation positions against detained terrorists. If a court were to find that the 2001 AUMF did not provide legal authority for detention, which has not been settled at this point, supplemental legal authorities like the 2002 AUMF would be absolutely critical.

I sincerely would like to support this repeal—I really would. And I hope to be here when we do get to repeal at some point down the line, but now is not the time for it. The realities on the ground convince me I cannot support repeal at this time. We have got to deal with the world as it is, and, as a result of that, I am compelled to vote no.

Thank you very much, Mr. President, and thank you for all those who have worked on this.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, this vote that we are about to take today has deep personal significance for me and for many others. For me, as chairman of the Senate Foreign Relations Committee, I finally have come full circle from my vote in the House of Representatives 21 years ago when I did not support the 2002 AUMF.

I have, for my 31 years in Congress, had a standard. If the cause is right and the Nation needs it, then I will vote to send my son and daughter into war, and I will vote to send anyone else's sons and daughters into war. But if the cause is not right and the Nation truly doesn't need it, not only will I not send my son and daughter into war, I won't vote to send anyone else's sons and daughters into war.

And, at that time, as a Member of the House, I did my due diligence with all the evidence that was available, and I saw no clear and present danger, no imminent threat to the United States, and, above all, no evidence—underline “evidence”—of weapons of mass destruction. So I voted no. I was in the minority at the time, and it was, in many respects, a tough vote, but it was the right vote.

It is significant for some of my fellow Senators who also themselves, many, have fought in the war in Iraq, and I echo what Senator RISCH, the ranking member said. When our sons and daughters answer the call, they don't say: Is this the right or wrong war?

They just say: I am here to serve.

And so we honor their service, both in the Iraq war and in the Gulf war before it. And I think what we do today, actually, is the ultimate way in which we honor it. It is significant for those whose sons and daughters, brothers and sisters, friends and loved ones have fought, and it is significant because, for the first time in five decades, when Congress repealed the Gulf of Tonkin resolution, we are ending a war—the first time in five decades.

So, today, I want to speak about what we are accomplishing together as we turn the page on that war and that chapter of American foreign policy. It has taken 21 long years for this body to reevaluate the adoption of the 2002 AUMF, and, today, we are working together—and this is the ultimate expression of what this body should be; working together, Democrats and Republicans—to support repeal.

And I want to salute the majority leader, Senator SCHUMER, for giving us the time on the floor and a process for which the weightiness of what we are doing could be fully considered, and I salute him for doing so.

That makes this historic vote a bipartisan vote. With this vote, we make clear that the Iraq of 2023 is not the Iraq of 2003. Far from being a menace to the region, today's Iraq is a willing U.S. partner that seeks closer integration with its Arab neighbors.

With this vote, we can show the world that the United States is a strong partner, that we are not an occupying force, that we engage with partner countries when their interests are aligned with ours.

This vote shows that, while we still face challenges and threats to U.S. interests—and I agree with my colleague about the challenges of Iran. No one has fought harder for over two decades on the question of meeting the chal-

lenge of Iran, but this is not about Iran. This is about Iraq. Saddam Hussein is gone. The Iraq of 2002 is not the Iraq of 2023.

This vote shows that, while we still face challenges and threats to U.S. interests, the 1991 and 2002 authorizations for use of military force do not address those threats and are not necessary for the United States to defend against them.

This vote shows that Congress is prepared to claw back our constitutional role in deciding how and when our Nation goes to war and also when it should end wars. It also protects against future administrations abusing authorizations that outlive their mandate but remain on the books.

We can take our responsibilities once again to call if the Nation needs it and the President comes and says: I need an authorization for the use of force because country X is challenging the national security of the United States. We can do that. But we should not allow any President to use an authorization that was never intended for country X or the circumstances of that to be the excuse to go to war without coming to Congress. So I see it differently than my colleague.

To be clear, this vote has nothing to do with Iran and in no way diminishes our ability to protect U.S. interests against Iranian aggression.

It has taken a long time to get here. I want to commend my colleague Senator KAINE, who has been a constant clarion call of our responsibility and pricked the conscience of the committee and the Senate on several occasions to get to this point, and also Senator YOUNG, who has been joining him in that effort, for their stalwart commitment to get this done and to see this through to such a momentous conclusion.

This is a defining moment. I urge all my colleagues to vote to repeal the 1991 and 2002 authorizations to use military force in Iraq. We owe it to those who made the ultimate sacrifice and to their families. We owe it to the servicemembers who again may be called upon to fight. We owe it to them to demonstrate that we take our solemn duty seriously and to do what is right.

I am proud that we are taking this step today. We should all be proud of the history we are making together to pass this legislation with a strong bipartisan vote.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, first, let me thank my colleagues, our chair of the Senate Foreign Relations Committee, Senator MENENDEZ; Senator KAINE, who has worked on this bill not for days and not for months but for years and never gave up hope; Senator YOUNG; Senator RISCH; and so many others—thank you, Senator YOUNG—who worked so hard to make this day happen.

Twenty years after the start of the Iraq war, the Senate finally, finally, finally declares today the time has come

to repeal the legal authorities that began that war in the first place.

This is bipartisan, and that is one of the beauties of this. Democrats and Republicans joined to say that it has been long enough, that the Iraq war has long been over. These authorizations for the use of force against Iraq are no longer necessary for our security.

Make no mistake, this vote repealing the Iraq war powers is one for the history books.

The American people, as we know, are tired of endless wars in the Middle East. Every year we keep these AUMFs on the books is another chance for future administrations to abuse them.

We owe it to the over 4,000 who died in Iraq, to their families, to our servicemembers who served there, to our veterans, and all of the communities impacted by the war—we owe it to all of them to act.

There is a very good chance that both Chambers can pass these AUMF repeals before the end of this year so this bill can be signed into law. This is not just going to be a one-House action. We have good support in the House of Representatives, the President is for it, and the odds are high that this much needed legislation will become law.

Again, I hope this process can be a blueprint for how the Senate works over the next few years. We sat down with our Republican colleagues—and, of course, it is the right of the minority to offer amendments—and came to an agreement. The amendments were not dilatory. The amendments were not gotcha. They were sincere attempts to change the bill. But by allowing amendments, we allowed this bill to go forward, and we would like that to be a metaphor for the future.

We will look diligently, assiduously for opportunities to continue the Senate working successfully on bipartisan legislation in the future.

I yield the floor.

VOTE ON S. 316

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired, amendment No. 15 is withdrawn, and the bill is considered read a third time.

The amendment (No. 15) was withdrawn.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 66, nays 30, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—66

Baldwin	Heinrich	Paul
Bennet	Hickenlooper	Peters
Blumenthal	Hirono	Reed
Booker	Hoeven	Rosen
Braun	Kaine	Sanders
Brown	Kelly	Schatz
Budd	King	Schmitt
Cantwell	Klobuchar	Schumer
Cardin	Lee	Shaheen
Carper	Lujan	Sinema
Casey	Lummis	Smith
Cassidy	Manchin	Stabenow
Collins	Markey	Tester
Cortez Masto	Marshall	Van Hollen
Cramer	Menendez	Vance
Daines	Merkley	Warner
Duckworth	Moran	Warnock
Durbin	Murkowski	Warren
Gillibrand	Murphy	Welch
Grassley	Murray	Whitehouse
Hassan	Ossoff	Wyden
Hawley	Padilla	Young

NAYS—30

Barrasso	Fischer	Romney
Blackburn	Graham	Rounds
Boozman	Hagerty	Rubio
Britt	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Mullin	Tillis
Cruz	Ricketts	Tuberville
Ernst	Risch	Wicker

NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

(Applause.)

The bill (S. 316) was passed as follows:

S. 316

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION.**

The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1; 105 Stat. 3; 50 U.S.C. 1541 note) is hereby repealed.

**SEC. 2. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Michigan.

S. 870

Mr. PETERS. Mr. President, fire departments across the country rely on critical Federal resources that keep firefighters and emergency responders safe. These heroes need our support as they continue protecting our communities. That is why I urge my colleagues to support the Fire Grants and Safety Act.

This bipartisan bill reauthorizes two vital grant programs administered by the Federal Emergency Management Agency and also reauthorizes the U.S. Fire Administration.

Fire departments depend on these programs to address staffing needs, re-

place outdated equipment, fund fire training and education programs, and invest in health screenings for firefighters in the line of duty.

It is clear that, without these grant programs, many fire departments, especially those in smaller or more rural communities, would simply not be able to invest in their vehicles, equipment, or training that they need to protect their communities.

I urge all of my colleagues to vote to move forward with this important, bipartisan legislation that will help ensure that our firefighters and first responders have what they need.

**CLOTURE MOTION**

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 28, S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

Charles E. Schumer, Gary C. Peters, Christopher Murphy, Catherine Cortez Masto, Tina Smith, Jack Reed, Brian Schatz, Jeanne Shaheen, Jeff Merkley, Sheldon Whitehouse, Patty Murray, Mazie Hirono, Cory A. Booker, Benjamin L. Cardin, Chris Van Hollen, Margaret Wood Hassan, Alex Padilla.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to Calendar No. 28, S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The yeas and nays resulted—yeas 96, nays 0, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—96

Baldwin	Britt	Cassidy
Barrasso	Brown	Collins
Bennet	Budd	Cornyn
Blackburn	Cantwell	Cortez Masto
Blumenthal	Capito	Cotton
Booker	Cardin	Cramer
Boozman	Carper	Crapo
Braun	Casey	Cruz

Daines	Lujan	Schatz
Duckworth	Lummis	Schmitt
Durbin	Manchin	Schumer
Ernst	Markey	Scott (FL)
Fischer	Marshall	Scott (SC)
Gillibrand	Menendez	Shaheen
Graham	Merkley	Sinema
Grassley	Moran	Smith
Hagerty	Mullin	Stabenow
Hassan	Murkowski	Sullivan
Hawley	Murphy	Tester
Heinrich	Murray	Thune
Hickenlooper	Ossoff	Tillis
Hirono	Padilla	Tuberville
Hoeven	Paul	Van Hollen
Hyde-Smith	Peters	Vance
Johnson	Reed	Warner
Kaine	Ricketts	Warnock
Kelly	Risch	Warren
Kennedy	Romney	Welch
King	Rosen	Whitehouse
Klobuchar	Rounds	Wicker
Lankford	Rubio	Wyden
Lee	Sanders	Young

## NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Ms. CORTEZ MASTO). On this vote, the yeas are 96, the nays are 0.

Three-fifths of the Senators duly chosen and sworn, having voted in the affirmative, the motion is agreed to.

FIRE GRANTS AND SAFETY ACT—  
MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 28, S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

The PRESIDING OFFICER. The Senator from Maryland.

PROVIDING FOR CONGRESSIONAL  
DISAPPROVAL UNDER CHAPTER  
8 OF TITLE 5, UNITED STATES  
CODE, OF THE RULE SUBMITTED  
BY THE DEPARTMENT OF THE  
ARMY, CORPS OF ENGINEERS,  
DEPARTMENT OF DEFENSE AND  
THE ENVIRONMENTAL PROTECTION  
AGENCY RELATING TO RE-  
VISED DEFINITION OF WATERS  
OF THE UNITED STATES

Mr. CARDIN. Madam President, I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the immediate consideration of H.J. Res. 27, which is at the desk; and that at 2:30 p.m. today, it be considered read a third time and the Senate vote on the passage of the joint resolution without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 27) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Army, Corps of Engineers, Department of Defense

and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'".

The PRESIDING OFFICER. The Senator from Maryland.

## SMALL BUSINESS

Mr. CARDIN. Madam President, I have the honor of being the chair of the Small Business and Entrepreneurship Committee here in the U.S. Senate, and there has been a lot of activity during the Biden administration that deals with our economy.

The Biden administration has a proud record of legislative accomplishments, from the American Rescue Plan to the bipartisan infrastructure bill, to the Safer Communities Act, to the Inflation Reduction Act, to the CHIPS and Science bill, to the PACT bill, and the list goes on and on. But I want to talk a little bit about the accomplishments under the Biden administration for small businesses, and I am very proud of what we have been able to do to help small businesses in our country.

We have 33.2 million small business owners in America. They are the drivers of our economy. We say they are the backbone of our economy; I think they are also the backbone of our communities. They create jobs, and they do most of the innovation that we see. It makes America more competitive and creates more job opportunities and economic opportunities.

Over 99 percent of our businesses in the United States are small businesses, and nearly 50 percent of all U.S. employees work for small companies. So it is critically important that we pay attention to our small businesses, and, of course, it was challenging during the COVID-19 pandemic.

I will just give you one example of why it is so important, giving one example in Maryland. I am sure you could give an example in every one of our States. This past Friday, I was at Sabatino's restaurant in Little Italy, Baltimore. We see many times that the economic growth of ethnic communities has been spurred by innovation by small companies. Sabatino's is one of those restaurants, which is iconic to Baltimore today. It was started in 1955 by two individuals, two immigrants who started Sabatino's restaurant. It is now an iconic restaurant in Baltimore where we like to go for good political discussion. It is in a pretty famous neighborhood. It is where NANCY PELOSI grew up. It has incredible food. It is for good company and good food, and it is an anchor in that community for its economic growth.

There are a lot of small business owners who are in that neighborhood who are continuing to provide job opportunities and economic growth and a future for Little Italy in Baltimore.

We could give many, many examples of that type of activity by a small company, a small business, that has really saved a neighborhood and preserved it for its future.

The Biden administration has a proud record in support of small busi-

nesses. Let me just give you some of the numbers. Twenty twenty-one was a record year for the growth of small businesses in this country. We had the largest number of new business growth, small business growth, in the history of America, and it was led by women-owned small businesses. Women of color led among the women business entrepreneurs.

This is attributable to the fact that the Biden administration has been concentrating on helping our small businesses but has paid particular attention to those small businesses located in traditionally underserved communities. That has led to programs that have helped. I will give you one example: women's business centers. The President announced just this week increasing the number of women's business centers in our community.

When President Biden took the oath of office, we had one women's business center in Maryland, and it was doing really great service, helping women get through the maze of bureaucracies and obstacles that were in their way to start a small business or grow a small business. It was located in Rockville, MD, and provided great help. Today, we have four women's business centers in Maryland, one located in Salisbury, which is a rural part of our State, to help women business entrepreneurs in rural Maryland. We have one at Morgan State University, a historic Black college in Maryland, and it is an HBCU that has provided tremendous opportunities for minority business owners. We just recently opened another women's business center at Bowie State University, an HBCU in the Washington area, in Prince George's County.

These are concrete steps the Biden administration has taken to not only grow our small business opportunities in America but to make sure we pay attention to those who have been left behind in the past.

Let me just give you another example of how we have delivered through the Biden administration to help our small business community.

We delivered for the people, for individuals like Carl Williams of Los Angeles, who founded Royal Men Solutions. After he was released from prison, Carl heard about the Minority Business Development Agency's Entrepreneurship Education for Formerly Incarcerated Persons Center in Los Angeles. His dream of becoming a third-generation carpenter and making his father proud took flight through this program.

Carl explains, and I quote:

The information the MBDA Center afforded me was invaluable, teaching me the elevator pitch, understanding my competition, standing out as a custom furniture builder, and knowing my value. All of their advice was an intricate part of my growth and development in the business world.

Well, one of the great accomplishments of the Biden administration was to help our returning citizens, those impacted under the criminal justice system, to give them an opportunity,

and they are taking advantage of that thanks to the Biden administration.

Also in the Biden administration was the passage of the bipartisan infrastructure package. Through the bipartisan Infrastructure Investment and Jobs Act, we were able to pass legislation that establishes in statute the Minority Business Development Agency that Carl depended upon—the MBDA.

We authorized \$110 million per year for the Agency through fiscal year 2025 and elevated the office by creating an Under Secretary position to lead the Agency. The funds will expand the geographic reach of the MBDA by authorizing the creation of regional MBDA offices and rural business centers and creating the Parren J. Mitchell Entrepreneurship Education Grants Program to support minority entrepreneurs at HBCUs and MSIs.

I particularly like the program being named after the former Congressman Parren J. Mitchell, a Congressman from Baltimore, who was chair in the House of Representatives of the Small Business Committee and was responsible for our first efforts to set aside to help small businesses and minority small businesses.

We delivered for founders like Miles Barr, Richard Lunt, and Vladimir Bulovic, who at MIT imagined a world where they could seamlessly help limit our carbon footprint through transparent solar technologies. The company has already started producing small-size windows that reduce energy and may help reduce our total national energy consumption by up to 12 percent. Thanks to funding from the Small Business Innovation Research or SBIR Program, as we all know it, they were able to spin out of MIT and embark on this private endeavor.

In the 117th Congress, with President Biden's leadership, we were able to extend the life of and improve the SBIR and STTR Programs. Through the SBIR and STTR Extension Act of 2022, the Small Business Innovation Research and the Small Business Technology Transfer Programs were reauthorized, including their related pilot programs, through September 30, 2025. The legislation also includes language that ensures the largest SBIR and STTR award winners are adequately transitioning and commercializing their technologies.

These actions we take have real consequences. These are companies that need to have that ability to participate in government research. That is what the SBIR Program and the STTR Program do. The Federal Agencies that have the largest amounts of research must engage smaller companies.

Now, guess which Agency is the strongest proponent of the SBIR Program that we reauthorized under President Biden's leadership? It is the Department of Defense because they know these small, innovative tech companies are going to give them the technology they need to keep America safe, and they are.

I look at my own State of Maryland, where we are blessed to have so many high-tech companies that are working in defense, working in healthcare, working in communications, and working in the environment and energy. Thanks to our actions, these companies can now grow and do their work and help our country solve our problems through the passage of the SBIR and STTR Extension Act of 2022.

The Biden administration delivered for veterans, women entrepreneurs, rural communities, and the mom-and-pop shops that keep our communities vibrant.

Because of COVID-19, we knew this was not a time to sit back and watch the small businesses we loved close their doors. Instead, we rolled up our sleeves and took care of Main Street. While we saw too many small businesses close, we saw many of them come back stronger than ever before, and entrepreneurs did the same. In a remarkable comeback under the Biden administration, we have seen 10.5 million new business applications, making 2021 and 2022 record years.

Through the Inflation Reduction Act, we helped small businesses reduce their energy costs while improving their environmental sustainability.

Through the bipartisan Infrastructure Investment and Jobs Act, small businesses across the country will receive the help they need to modernize the way they do business in order to grow and succeed.

Look, I want American entrepreneurs and small business owners to know that they should dream big. Our Nation is on path to make those big dreams a reality. I am very proud of the progress we have been able to make during these past 2 years. I am looking forward to working on behalf of small businesses in this Congress with my partner Senator ERNST on the Small Business Committee.

I just want the small business owners of America to know that we are on their side, and we are going to continue to provide the help so they can help America grow. They are the backbone of our economy and the backbone of our communities, and we stand with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. LUJAN. Madam President, I come before this Chamber alongside my colleagues from Maryland and Nevada to talk about the importance of our small businesses in New Mexico and across the country.

I also want to thank the chair of the Small Business Committee, Mr. BEN CARDIN, for the work he has consistently done, his leadership in this space, but his understanding of what is happening across the country and the need to fight alongside our small businesses to make things better for them. So I want to thank the chairman as well.

For the past 2 years, the Senate Democratic majority and the White

House have made it our mission to support and revitalize the small businesses that are the backbone of our local communities. We have been hard at work building economic security for the middle class, putting people back to work, and investing in the American dream.

I know every Senator in this Chamber and all Americans have a small business they depend on to get from one place to another, from one day to the next. For me, one of them is in Santa Fe, NM, Midtown Bistro, an incredible location run by a very extraordinary family. Anytime you want a good meal and a warm welcome, you just go on down to Midtown Bistro. This was the dream of restaurant owners Edmund Catanach, Melissa Salazar, and Angel Estrada—to make folks feel at home, and they do.

But when the COVID-19 pandemic hit, restaurants and small businesses all across America struggled to make ends meet without daily customers or revenue. Midtown Bistro, like so many family-owned small businesses, looked to the Federal Government and received a grant to keep things running and fulfill payroll each and every week. Melissa said that without those funds, they would have had to close their doors after decades of serving the Santa Fe community. Thankfully, that didn't happen.

Edmund, Melissa, and Angel's story is the story of thousands of small business owners who earned grant funding from the Federal Government in the wake of the COVID-19 pandemic. We are extremely proud to have secured more than \$169 million in restaurant revitalization funds for restaurants like theirs throughout New Mexico. And that does not include everyone.

One of the first things congressional Democrats did when President Biden took office 2 years ago was expand the Paycheck Protection Program, the Economic Injury Disaster Loan Program, and the Shuttered Venue Operators Grant Program. These expansions helped the smallest businesses—especially in rural areas—that were still hurting from the pandemic try to get back on their feet, keep workers on the payroll, keep their doors open.

Democrats have always made it a priority to help folks who need it most. This kind of relief is vital for keeping the heart of America's economy alive.

For a lot of people, it is the late-night diner that serves up the best cup of coffee in the country before the morning work shift begins or the local cobbler, who knows exactly how you like your work boots to be resoled, or the plumber you can call any time of the night to fix a leaking pipe.

All of these small businesses started with a dream, a desire to make things better, to help people. I know the heartbreak COVID-19 brought on a lot of our small businesses and people all across America—local staples that bring so much vibrance and life to our communities.

However, in the face of a nationwide tragedy, our small businesses didn't throw in the towel and call it quits. Instead, they got creative, like Midtown Bistro turning an outdoor space into a new way to safely reach their community. Our small businesses continued to provide vital services that helped our economy and kept it afloat through these really tough times. For that, I just want to say thank you to all of them.

This Chamber must continue supporting the countless small businesses that keep our economy and our country moving forward. Senate Democrats will continue pushing for expanded opportunities for small businesses to access the capital and credit they need to start or expand businesses, which will, in turn, get more Americans back on the job, create more opportunities and more successful ventures.

One big hurdle that keeps small businesses from unlocking their full potential is not being connected to affordable, high-speed internet to create a website and access the online economy.

I am very proud to have been part of the team and a family that is going to make that possible for people all across the country. There are many ways we can work together, but I am very proud of my colleagues, of what I have learned, and, again, I thank our chairman for leading the conversation in that committee and driving home policies so that we can act to make a difference in the lives of those who have invested in and started small businesses.

We can do more and we can do better, but I am very proud of how we have been able to get things done that make a benefit in people's lives today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I want to thank Senator LUJÁN for his leadership on behalf of small businesses.

Senator LUJÁN is absolutely right. There are a lot of areas that are not necessarily within the jurisdiction of the Small Business Committee that directly affect small businesses, and one of those is access to broadband. Senator LUJÁN understands that for small businesses to succeed, they have to have access to affordable, high-speed internet.

And Senator LUJÁN has also been critically important in so many of the other areas—challenges that we have confronted, particularly during COVID. So I just want to thank him for his leadership on behalf of small businesses and the people of New Mexico.

We are joined on the floor by Senator ROSEN, and I just want everyone to know of her valuable contributions to the Small Business Committee. She has been one of the leaders during these 2 years with the record I just went over of accomplishments under the Biden administration. But she is a real leader in recognizing that, if we

are going to succeed with women entrepreneurs, we need to deal with childcare, and, today, small business tools are not fully available to small business operators of childcare. Senator ROSEN is our leader in trying to make sure that we correct that and do something about it.

I also appreciate her knowledge and understanding and leadership on the regulatory challenges that small businesses confront and taking on that challenge to see whether we can't provide some relief.

So I just really wanted to acknowledge her extraordinary work on behalf of small businesses in this country.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. ROSEN. Madam President, well, I want to thank Senator CARDIN for his leadership on small business. For the 4 years I have been here, he has been a friend and a mentor, and he has really encouraged me in so many ways to find my voice for Nevada, for this country, and I appreciate his leadership. Thank you.

And the Senator is right. Small businesses, well, they are the engine of the U.S. economy. They foster innovation. They create jobs. They provide a lifeline for families.

And, in Nevada, small businesses make up 99 percent of all businesses. Our small business economy, it is thriving. It is increasingly diverse, allowing many Nevadans to achieve the American dream by being entrepreneurs and providing for their families.

These businesses, they are crucial for Nevada's economy. We should encourage and support them by making it easier to start and operate small businesses, increasing access to capital to help them grow and succeed, and cutting through that redtape that is far too often a barrier.

So here in this Chamber, we must focus on helping small businesses overcome the enormous challenges that they face and the obstacles they experience just to get off the ground.

As a member of the Senate Committee on Small Business and Entrepreneurship, my top priorities have been expanding resources in support for Nevada's small business—the owners, the employers, and their workers. And so from introducing a bipartisan bill to help those graduating from minority-serving institutions to open a business to sponsoring bipartisan legislation to help veterans start small businesses in underserved communities, to urging the Small Business Administration to open a Veterans Business Outreach Center in Nevada, I have been fighting for businesses time and time again, and I will keep fighting.

I am also working in a bipartisan way to make small, nonprofit childcare providers eligible for Federal resources so that they can grow, create jobs, and provide more affordable childcare options in all of our communities. And this just means so much to our fami-

lies. It gives them so much peace of mind.

And I am going to continue, as well, to advocate to open up Federal loans for State-legal cannabis small businesses. They are job creators in our State and in a growing number of States across the country.

And we can also help our small businesses by reducing the burden that entrepreneurs face, well, when they get started. The exhaustive hoops that American entrepreneurs have to frequently jump through—from obtaining permits to fulfilling licensing requirements—well, it can be a real challenge for people just to get those businesses off the ground.

And so that is why I am proud to announce that, today, I am introducing bipartisan legislation to help small businesses by cutting through the bureaucratic redtape that often prevents them from getting off the ground.

My legislation would create a centralized website. This website, entrepreneurs can come and visit to get all the information they need from the Small Business Administration on Federal, State, and local licensing and business permitting requirements, with information and resources all in one place, because I believe we should be making it easier to start a small business, and we must make sure that entrepreneurs are in the best position to succeed right from the beginning. And having them going to a one-stop website, that is a start because I know that when we invest in our small businesses and our entrepreneurs, when we invest in our communities, when we invest in our hard-working families, well, together, we create a successful future for our State and for our country.

And so I urge my colleagues from both sides of the aisle to join me in cutting redtape, bringing down those barriers, and increasing information access for all of our small businesses.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, again, I want to thank Senator ROSEN for her leadership, and we certainly are looking forward to taking up the legislation that she has introduced.

H.J. RES. 27

Madam President, I know we are on debate on the waters of the United States.

The rule provides for exceptions for ranchers and farmers. I would hope that we reject the resolution.

I would like to start my statement of support for a strong definition of "waters of the United States" with a reflection on the history of the Clean Water Act.

Congress overhauled the Federal Water Pollution Control Act, originally enacted in 1948, with amendments in 1972 that gave the act its current dimensions. The 1972 legislation spelled out ambitious programs for water quality improvement that industries and municipalities are still implementing today.

The 92nd Congress held a series of votes on the Federal Water Pollution Control Act Amendments of 1972, which would later come to be known as the Clean Water Act. The Senate passed the bill, which came out of a conference committee with the House after 39 meetings, by a vote of 74 to 0. The House passed the bill by a 366-to-11 vote.

Nineteen-seventy two was a Presidential election year. Despite a first term notable for its landmark environmental achievements, President Nixon vetoed the bill in an attempt to set himself apart from his opponent, George McGovern.

Bipartisan majorities in both the House and Senate overrode President Nixon's veto, and the bill became law on October 18, 1972. The Senate vote was overwhelming. Meanwhile, State and local leaders, as well as advocates of all stripes, were central in the push for this legislation to be enshrined in law.

Contrast this show of congressional unity with our situation today, where we are relying on President Biden for his veto if the Senate passes this joint resolution of disapproval of the rule the U.S. Army Corps of Engineers and the Environmental Protection Agency—EPA—jointly submitted relating to “Revised Definition of ‘waters of the United States.’”

The rule under attack finally delivers a clear, workable definition. On December 30, 2022, the Agencies announced the final “Revised Definition of ‘waters of the United States.’” rule. On January 18, 2023, the rule was published in the Federal Register.

The Agencies' final rule establishes a clear and reasonable definition of “waters of the United States” and reduces the uncertainty from constantly changing regulatory definitions that has harmed communities and our Nation's waters.

This commonsense, science-based approach recognizes that pollution upstream can have downstream impacts, so we must protect the system to safeguard downstream communities and our environment. The rule also maintains longstanding Clean Water Act permitting exemptions for routine farming and ranching activities.

The rule ought to be durable in part because it was informed by extensive public comment to establish a definition that supports public health, environmental protection, agricultural activity, and economic growth. In developing the proposed rule, EPA and the army reviewed and considered the extensive feedback and recommendations the Agencies received from States, Tribal governments, local governments, and stakeholders through consultations, meetings, and webinars.

In 2017, Chairman CARPER and I led 19 Senators in a letter to then-EPA Administrator Scott Pruitt opposing the Trump administration EPA's plan to repeal the 2015 Clean Water Rule, which would have weakened safeguards for the Nation's waterways.

Last year, on February 28, 2022, 13 Senators joined me in a letter to the EPA applauding the rule to revise the definition of “waters of the United States.” Our letter explained how the rule takes significant and positive steps toward restoring strong clean water protections that are critical to meeting the Biden administration's commitment to environmental justice.

Clean water is essential for improving public health outcomes through the provision of safe, affordable drinking water for all Americans, no matter their location.

In the interim, I led a bicameral letter with my Chesapeake Bay watershed colleagues to Michael Regan, who is currently the EPA Administrator, and to Lieutenant General Scott Spellman, the Chief of Engineers and Commanding General of the U.S. Army Corps of Engineers.

We urged them to rescind the harmful Navigable Waters Protection Rule the Trump administration implemented, and replace it with a rule that restores strong Clean Water Act protections to the Chesapeake Bay and other waterways and wetlands across the country.

The Bay receives half of its water from a network of 110,000 streams and 1.7 million acres of wetlands, most of which are non-navigable tributaries and non-tidal wetlands that drain to those tributaries. Scientific research attests to the critical importance of small headwater streams in removing pollution from higher-order streams and rivers, and in preserving aquatic and riparian life throughout the entire system.

Small streams and wetlands do not just provide habitat for wildlife and trout and other fisheries that enhance outdoor recreation opportunities; they also clean water for farmers that drive our economy through the production of food.

Water pollution has never respected political boundaries. Using the Congressional Review Act to attack this thoughtfully crafted rule would be a mistake for healthy watersheds and clean water supplies across the country.

I urge all my colleagues to reject this damaging resolution.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Madam President, I rise today in support of the joint resolution for congressional disapproval striking down the President's revised definitions of waters of the United States.

As a fifth-generation farmer, I know how hard-working Kansas farmers work daily to protect our environment and conserve our precious resources. Farmers serve as our land's original and best stewards. We all want to leave this world cleaner, healthier, and safer than we found it.

Since coming to Congress, we have worked hard alongside our farmers and ranchers and rural landowners to en-

sure our waters become cleaner and healthier and, at the same time, protect our land and water from aggressive government overreach.

This includes working with the previous administration to roll back purposeless, “one size fits all” Federal WOTUS regulations that drive up the cost of doing business for Kansans and are detrimental to their ability to care for their crops and livestock.

As Kansas farmers, ranchers, businesses, and even municipalities know all too well, the Obama-era definition of WOTUS in 2015 dramatically expanded the Federal Government's reach with minimal improvements in water quality.

Today, this White House's reckless expansion of the WOTUS rule only adds more regulations, more redtape, and costs to everyday life in Kansas. This level of Federal overreach is harmful and ill-advised.

It is important to note that my colleagues and I requested the administration suspend the rulemaking until the Supreme Court completes its consideration of *Sackett v. EPA*. This would allow Congress to craft a lawful, predictable, and reasonable rule.

But this request has fallen on deaf ears. Moving forward with this rule is the administration's attempt to revive the Obama-era WOTUS rule, which was rightfully blocked in nearly half of the United States due to litigation in courts across the country.

Now, as the saying goes, history repeats itself, and a Federal judge recently blocked the implementation of the brandnew rule in Texas and Idaho.

Now, back home, my farmers are already bracing for the impact. In fact, I heard from one organization that said:

Farmers and ranchers should not have to hire a team of lawyers and consultants to determine how we can farm our land.

And I agree.

Kansan after Kansan I have met with on this issue has told me this administration didn't consider their input on the new WOTUS definition, further proof of the clear disconnect between DC bureaucrats and the hard-working farmers and ranchers who provide our Nation's food.

Agriculture, oil and gas, energy, the housing industry, road builders, bridge builders, construction workers, and municipalities have all voiced their disapproval of the rule and the costs of the negative impacts that its adoption will have on American industries and consumers.

It seems this administration only listens to radical environmentalists rather than the hard-working, pragmatic voices of the people who love the land which has been handed down from generation to generation, just like in my family—people who care every bit about the environment as any soul on Capitol Hill does. These are the same people who feed, fuel, and clothe America.

This rule is the Biden administration's attempt to federalize our waters



and take control of our private land and leave our producers with more questions than answers, more costs than gain.

In fact—get this—mitigation costs related to the current White House WOTUS may cost farmers and ranchers over \$100,000 per acre. The value of this land itself might be \$1,000, \$2,000, maybe \$5,000 an acre, but mitigation will cost us \$100,000 per acre.

Let me ask a couple of simple questions: Should a dry creek that only has water run through it during a rain be a waters of the United States?

Should plays in western Kansas be a waters of the United States?

Should ditches draining into a dry creek bed be a waters of the United States?

Should water trickling off the terraces my grandfathers built 50-some years ago to prevent soil erosion and the tall lush grassy waterway that is home to pheasants and quail and turkey and deer and rabbits—should this be a waters of the United States?

Under President Biden's rule, the EPA and the Army Corps of Engineer will attempt to answer these questions on a case-by-case basis, meaning that the answer and the cost might change every time. That is no way to do business.

In a time of economic uncertainty, this unpredictable, ambiguous rule-making will amplify the efforts of inflation felt by ag producers and American consumers. No American industry would be safe from the impending rising costs, all while the Biden WOTUS rule fails to achieve the goal of improved water quality.

The regulated community spent the better part of the last decade trying to operate under several different definitions of "waters of the United States." We cannot allow the Biden administration to take us backward yet again.

Farmers and other ag producers are the original stewards of the land, and we all have a special interest in protecting the quality of our Nation's waters. Consistent and clear guidelines and regulations are key to such protections. We cannot keep moving the proverbial goalpost.

The Biden administration's failure to understand the ramifications of this is alarming. As Members of Congress, we must ensure agricultural producers and other stakeholders have the regulatory certainty to take care of our Nation's land and water resources, the lands and waters that we love, the lands and waters that we are leaving to the next generation—to my children and to my grandchildren.

I, therefore, urge the support of the Joint Resolution for Congressional Disapproval, striking down this administration's revised definition of "waters of the United States."

I yield the floor.

The PRESIDING OFFICER (Ms. ROSEN). The Senator from Delaware.

Mr. CARPER. Madam President, I believe I have 15 minutes to speak.

The PRESIDING OFFICER. There is not an order for time.

Mr. CARPER. I would ask that I be granted 15 minutes to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, I rise today in strong opposition to H.J. Res. 27, a Congressional Review Act resolution to disapprove the Biden administration's rule defining the "waters of the United States," or WOTUS, as it is popularly known.

To many Americans, the definition of the "waters of the United States" may not seem like a controversial matter. To understand why it is, though, we need to first ask ourselves, how did we get here to this point?

Well, a little more than 50 years ago, Congress came together to pass the Clean Water Act. In doing so, Congress affirmed our Nation's commitment to protecting and restoring waterways from industrial pollution. Until that point, our Nation's waters—which were and continue to be critical to our health, to our environment, and our economy—were subject to indiscriminate pollution and destruction. Polluters could dump their waste into upstream waters without consequence.

In fact, some of you may recall that the Cuyahoga River in Northern Ohio was so polluted that it caught fire in 1969, not far from where I went to college as a Navy ROTC midshipman during the Vietnam war. The memory of that fire remains with me still today.

When Congress passed the Clean Water Act, there was no confusion—no confusion or uncertainty—about what it was seeking to protect. At the time, there was broad bipartisan concern over the health of our Nation's waters. There was also consensus that we needed to fix a very real and a very costly problem. America's waters needed once again to be drinkable; they needed to be swimmable; and they needed to be fishable.

During the Senate debate on the Clean Water Act all those years ago, Democrats and Republicans alike spoke in support of the legislation. Senator Ed Muskie, a Democrat from Maine and the bill's lead sponsor said:

[T]he rivers of this country serve as little more than sewers to the seas. Wastes from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, threaten the life of the ocean depths. The danger to health, the environmental damage, the economic loss can be anywhere.

That is his quote from all those years ago.

Senator Howard Baker, if you recall, a Republican from Tennessee who was also a Republican leader in this body for a number of years had these words to say:

[T]he economy of this Nation can absorb the costs of cleaning up pollution without inflation or without a loss in economic productivity.

He went on to say these words:

If we cannot swim in our lakes and rivers, if we cannot breathe the air God has given us, what other comforts can life offer us?

Senator Baker's words were true then, and they ring true still today. Thanks to the Clean Water Act, our Nation's waters are remarkably cleaner than they were five decades ago. The same Cuyahoga River that caught fire all those years ago is now cleaned up and home to more than 60 species of fish.

The simple fact is the Clean Water Act remains our best tool to safeguard our nation's waters from persistent pollution, protecting our health, protecting our environment. We cannot afford to turn back the clock on these protections for our Nation's waters and those who depend on them.

In a nutshell, that is why I support President Biden's commonsense rule defining which of our Nation's waters need to be protected under the law. It is also why I oppose—what I believe to be—a misguided Congressional Review Act resolution to invalidate it.

After multiple administrations' failed attempts to create a lasting WOTUS definition, the 2023 Biden rule represents—what I believe—is a fair balance. The rule protects our Nation's waters and wetlands and provides flexibility for those who need it. And that last "and" is important—and provides flexibility for those who need it. And, particularly, the Biden rule thoughtfully responds to many concerns that the agricultural community in my State and in other States have voiced over the years.

In fact, the Biden rule makes agricultural exemptions clearer and more consistent with other existing regulations. For example, the rule includes express exemptions for farming on land designated by the U.S. Department of Agriculture as prior converted cropland, an exemption long-sought by the agriculture community in my State and, I suspect, in most of the other 49 States. According to the American Farm Bureau, there are approximately 53 million acres of prior converted cropland in the United States—that is 53 million acres of farmland that the Biden rule makes clear should not be regulated—should not be regulated—53 million—million with an "M."

If the CRA resolution of disapproval were to become law, it would overturn this important clarification for agricultural activities under the Biden rule, including the one I just mentioned. The Environmental Protection Agency and the Army Corps of Engineers would also be prohibited from developing substantially similar regulations in the future. All of this would lead to confusion and uncertainty from our farmers and ranchers. We don't need more uncertainty; we need less.

Many of our colleagues who oppose the Biden rule say they prefer the Trump administration's so-called Navigable Waters Protection Rule. I would like to remind them that the Trump rule actually earned its name, I think, for good reason—Trump's dirty water rule was vacated not just by one court but by multiple courts. I think at least



two Federal courts vacated that rule. These court rulings found that the Trump rule failed to fulfill the requirements of the Clean Water Act. Overturning the Biden rule will not bring the Trump rule back.

I will say that again. Overturning the Biden rule will not bring the Trump rule back. The courts have already spoken—not once, but twice—with respect to the Trump rule.

Instead, all that this CRA would accomplish is to create a new phase of litigation and even more uncertainty, neither of which we need. We have also heard some of our colleagues argue that protecting streams and wetlands under the Clean Water Act is an overreach. The science, however, is abundantly clear. The health of our waterways is inextricably linked to our streams and to our wetlands. As we all know, wetlands are valuable for our economy, our environment, and our planet.

So how is that, you might ask? How is that? Well, wetlands protect our communities from dangerous and costly flooding. One acre of wetlands can store up to 1.5 million gallons of floodwater. In total, that means that wetlands in the United States provide \$2.9 trillion in value just by reducing and delaying floods. That is more than the GDP of every State and territory in 2022, except maybe for California. It is also worth noting that nonflood plain wetlands buffer floodwaters by capturing runoff during storms.

So when I hear the criticisms that the Biden WOTUS rule is bad for our economy, put plainly, I could not disagree more. Some may say that our Nation cannot afford the level of protection for our waterways and wetlands provided by the Biden rule. As it turns out, the converse is true: We cannot afford not to protect it.

The reality is that because of the interconnectedness of our waterways, streams, wetlands, oceans, and estuaries, how private property owners manage their land has the potential to affect us all. If your upstream neighbor pollutes the water or drains a wetland, that can impact your property too. Similarly, what one State does can impact neighboring States as well as States even further downstream.

May I add one other thing? The Clean Water Act reminds us of the moral obligation all of us have to follow the Golden Rule: to treat others the way we want to be treated. The Biden rule requires us to be good neighbors and stewards of our planet, while also providing flexibility for those who need it. I, for one, am grateful for that.

As the late Senator Baker put it more than 50 years ago, right here on this very floor, he said.

[I] have found that the kind of natural environment we bequeath to our children and grandchildren is of paramount importance.

Those words were true then, and they are even more true today.

So let me say this again: The planet that we bequeath to our children and

the planet that we bequeath to our grandchildren is of paramount importance to them, and it is also to us as their parents and their grandparents. With that thought in mind, I strongly urge my colleagues to join me in opposing H.J. Res. 27.

Madam President, I was coming down on the train today and thought about a visit I paid to a farm probably about a half dozen years ago. It was a beautiful day like today, and we had farmers—scores of farmers who were there. It was organized, I believe, by the Delaware Farm Bureau.

We had people from the administration, the Senate Democratic administration, who had come. And they had come to listen, to hear from the farmers that were gathered, their concerns with an earlier version of this rule, the waters of the United States rule. And the farmers, among other things, said: We want some certainty. We want some predictability, and we want you to listen to us. We want you to listen to our thoughts, and we want you to make sure that the next time you write something like this, you take our thoughts into consideration.

I don't have time in the short time that has been allotted to me to go chapter and verse about the words that were spoken by farmers in my State on that day, but the words that have been spoken by farmers all over this country in the weeks and months since then have been taken into effect, and simply saying that they have been ignored is just not true. It is just not true.

Changes have been made, and they are reflected in the document that we are going to be voting on here in a bit—reflected in the good work that has been done by this administration.

How much time do I have left, Madam President?

The PRESIDING OFFICER. You could speak as long as you like.

Mr. CARPER. That could be scary.

The PRESIDING OFFICER. I'm sorry. The vote is in 15 minutes.

Mr. CARPER. Madam President, I think we have another Senator from West Virginia that is ready to speak over here.

I want to just close with this. The U.S. Department of Agriculture stands ready to work with farmers and ranchers to assist them with compliance. I will say that again: The U.S. Department of Agriculture stands ready to stand with farmers and ranchers to assist them with compliance.

Finally, I think this is a moderate rule that thoughtfully responds to the concerns of farmers and ranchers. I met with Administrator Regan personally. This is not the Trump rule, and this is not the Obama rule. It is a compromise, and I think it is one that deserves to be supported.

So I would ask for a vote that is against the measure that is before us today.

I yield to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I want to thank the chair for presenting his side of the argument.

Now I think we are going to hear the other side of the argument on why taking this rule down will pass today—because of the strong opposition to it.

Today, we are going to have the opportunity to bring a divided Congress together, united in rejecting misguided and unnecessary overreach by the executive branch.

In its attempt to regulate basically anything and everything, the Biden administration, once again, overstepped its boundaries in the Waters of the United States rule, or WOTUS, as we have heard, and they did this this past December. It is the third major change in 8 years. The chairman talked about all of the uncertainty. This is the third change in 8 years to the definition of what "waters" are and what is a subject of Federal jurisdiction. With this comes more uncertainty, more redtape, and more government for millions of Americans.

It is clear we need to take action in the face of this burdensome rule, and it is exactly why I have introduced the Congressional Review Act resolution of disapproval that we are about to vote on. So let's take a look at the new rule issued by the EPA and the Army Corps of Engineers.

President Biden's new WOTUS rule repeals the 2020 navigable waters protection rule that provided predictability and certainty for our farmers, our ranchers, our miners, our infrastructure workers, our homebuilders, and our landowners such that they can rely on. That 2020 waters rule properly implemented the Clean Water Act by protecting America's waterways through coordination and cooperation between the States and the Federal Government. Who knows their States better than the State regulators?

This new definition, however, drastically expands Federal jurisdiction over streams, wetlands, and private property at the expense of the States and their citizens. It also adopts a subjective "significant nexus" test for determining what is and isn't subject to Federal regulation under the Clean Water Act, up to and including dry ditches—it doesn't sound like a navigable water to me—that could fill with rain during a storm event even in the middle of the desert.

To sum it up, the Biden administration's WOTUS rule tells States and individuals that the Federal Government knows best. It is true to form for this administration so we shouldn't be too surprised.

It is also important to note that this is all happening while there is a pending court case at the Supreme Court, right now, that will make many of these same determinations, but they couldn't wait. Of course, they couldn't wait. They had to grow the Federal Government's authority and redesignate waters that had never been designated before.

So let's take a look at the impacts this WOTUS rule would have on farmers and on small businesses.

There are 17,000 small businesses in the small State of West Virginia that will be impacted by this rule and our own ability to build in the future. We should be setting predictable, reliable policy for America's farmers and ranchers. Instead, under the Biden WOTUS rule, if I am a rancher in Arizona or a cattle farmer in Montana or own a family farm in West Virginia, I will literally have less control over my own land. Previously converted cropland and even irrigation ditches may now require a permit under this new regulation.

The American Farm Bureau says:

Farmers and ranchers should not have to hire a team of lawyers and consultants to determine how we can farm our land.

Do you know what will happen? They won't hire the team of lawyers. They just won't farm their own farmland. Yes, that is what millions fear from this new "waters of the United States" definition.

The National Association of State Departments of Agriculture says that this rule will "significantly increase the regulatory burdens and create further uncertainty for state departments of agriculture, farmers, and ranchers across the country."

Along with those who live and work in rural America, this rule will target employers of all sizes across our country as well. The National Federation of Independent Business writes that the Biden WOTUS rule will "make compliance a nightmare for small businesses," adding, "If there was ever a time to not impose additional burdensome regulations, that time is now."

Often the cornerstone of our communities, small businesses need policies that support, not penalize them.

Our Nation's future depends on our ability to build. That includes transportation, infrastructure, and energy projects of all kinds. President Biden knows that our Nation's broken permitting process threatens to undercut some of our own shared legislative accomplishments on infrastructure investment.

Yet, at a time when we should be streamlining our Nation's permitting and review process, the Biden waters rule makes things worse. It comes at a time when we are trying to build here in America. It will require more people and more projects to seek more Federal permits, which is time and money and doesn't improve the environmental oversight. The environmental oversight is there, but it will cause fear that the EPA will take enforcement action at any given moment with eye-popping fines.

The Associated Builders and Contractors writes that the Biden WOTUS rule will "cause building delays due to regulatory uncertainty, plus increased permitting and mitigation costs, which will make it more difficult and expensive to grow food, produce energy and

build critical infrastructure for the 21st century."

We have heard our Nation's farmers, small businesses, and our builders loud and clear: President Biden's waters rule is bad policy at an even worse time.

Now, I have been asked what a Congressional Review Act resolution would do, and during a recent Environment and Public Works hearing, this issue came up.

If approved by both Houses of Congress and signed into law, this resolution would overturn the overreaching and expansive WOTUS rule issued in December and return to a narrower and more practical definition that was put in place prior to 2015. You may hear that this will leave waters unprotected. That is simply not true. The regulatory authority for waters that are not navigable nor travel interstate will be returned to the States as Congress intended in the Clean Water Act.

Importantly, my resolution would prevent a substantially similar and overbroad definition from being written again. It would not prevent the EPA and Army Corps from issuing a narrower replacement rule that actually is common sense and addresses stakeholders' and elected officials' concerns and seeks to clarify the status quo.

As you have just heard, States and the regulated community, including farmers and ranchers, have been very clear in their conclusion, and I agree: The Biden final rule on WOTUS is a significant expansion—not a narrowing—of Washington's role in regulating land and waters across the country, and it creates more uncertainty than it cures.

The expansion of Federal authority and the encroachment on States' rights and private lands is the precise reason we have seen overwhelming support for my CRA resolution.

When I introduced this resolution of disapproval, I was proud to do so with our friends and counterparts in the House of Representatives. Led by House Transportation and Infrastructure Committee Chair SAM GRAVES, the House passed this measure with bipartisan support, including nine Democrat votes. It is important to note that two of these Democrat votes came from the ranking member of the House Agriculture Committee and the ranking member of the House Appropriations' Agriculture Subcommittee. These are folks who know the needs of our farmers and rural Americans very, very well and who bravely put the best policy forward ahead of partisan politics. So I thank them for their support in this effort.

It demonstrates, again, that it isn't about party; it is not about party lines. It is about standing up to the needs of those who live and work in rural America. Well, we can stand by them today. We can also give a boost to our future transportation, infrastructure, and energy projects of all kinds across our country.

With this resolution, we are sending a clear message that Congress, even a divided Congress, will defend working Americans in the face of Executive overreach.

With that, I appreciate the support we have received in our effort to place this important check on Executive overreach, and I encourage my colleagues to vote yes on my resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I ask unanimous consent that the vote occur immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON H.J. RES. 27

Mrs. CAPITO. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Under the previous order, the joint resolution is considered read the third time.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The yeas and nays have been previously requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. McCONNELL).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

#### YEAS—53

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Boozman	Hagerty	Rosen
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	Lankford	Sinema
Cornyn	Lee	Sullivan
Cortez Masto	Lummis	Tester
Cotton	Manchin	Thune
Cramer	Marshall	Tillis
Crapo	Moran	Tuberville
Cruz	Mullin	Vance
Daines	Murkowski	Wicker
Ernst	Paul	Young
Fischer	Ricketts	

#### NAYS—43

Baldwin	Carper	Hickenlooper
Bennet	Casey	Hirono
Blumenthal	Duckworth	Kaine
Booker	Durbin	Kelly
Brown	Gillibrand	King
Cantwell	Hassan	Klobuchar
Cardin	Heinrich	Lujan

Markey	Reed	Warner
Menendez	Sanders	Warnock
Merkley	Schatz	Warren
Murphy	Schumer	Welch
Murray	Shaheen	Whitehouse
Ossoff	Smith	Wyden
Padilla	Stabenow	
Peters	Van Hollen	

## NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

The joint resolution (H.J. Res. 27) was passed.

The PRESIDING OFFICER. The junior Senator from Nebraska.

## MAIDEN SPEECH

Mr. RICKETTS. Madam President, I rise today humbled and honored to stand in this Chamber to represent the people of the great State of Nebraska.

The first time I walked into this Chamber, I got chills. This Chamber represents the hopes and dreams and aspirations of the American people; it represents the shared values we have had for nearly two-and-a-half centuries; it represents just how exceptional our Republic, how exceptional America is.

Today, it is all too easy to take for granted just how exceptional our great Nation is. Our Founders threw off the tyranny of a King with an idea. It was a really radical idea that our rights come to us directly from God, not from a King, and that governments were instituted to protect those rights. It was a brandnew idea that our rights are ours; that they are endowments from God, not consent from some government.

Even today, after 246 years, our founding principles are just as true. These values—like the rule of law, checks and balances, federalism—they are critical to our Republic. We are strongest when we follow them, and we are never weaker than when we stray from them.

We are also strong because of our Constitution. Our Constitution—forging a government of the people, by the people, for the people—is the greatest governing document ever written.

The primary purpose of our government is to secure people's liberty and happiness, their peace and prosperity, and we have done it really, really well for nearly two-and-a-half centuries. This is incredibly rare. We have created a bubble in world history. For most of human history, people have worried that somebody bigger than them would come and take their stuff or a foreign army would rampage across the landscape, burning down everything—not here in America.

Another advantage of our system is that it unleashes the power of individuals' unbounded potential. In America, it doesn't matter where you start; with enough grit and hard work, you can go anywhere. That is why the world wants to come here. That is why they send their best and brightest students to study and train here. That is why nearly every major innovation and breakthrough comes from America. That is why so many have sought a better life

in our great Nation. Through our strength, we remain the cornerstone of global peace and prosperity.

Our greatness is also reflected in our commitment to defend freedom here in this building, in our courts, and even on battlefields. It requires much of us as patriots and citizens, and if we are not vigilant, it could easily slip away. To paraphrase Ronald Reagan, freedom is only one generation away from extinction. We don't pass it on to our children in the bloodstream; it must be fought for each and every day.

We must not lose sight of the things that make America so exceptional. That is our commitment to our God-given liberties.

Our Founders were concerned that as government got too big, it would tend toward tyranny and rob people of their freedoms. Here in the Senate, if we continue allowing the Federal Government to grow too big and too intrusive, we risk our peace and prosperity; we risk losing the very values that have always made America great. However, if we hold on to those founding principles, we have a path to an even brighter future for this great Nation.

The Framers of our Constitution believed that government closest to the people is best able to serve them. This is common sense. What works in Nebraska may not work in New York. That is why we have the 10th Amendment to the Constitution—that the powers not specifically delegated to the Federal Government are reserved for the States and the American people. That is why top-down Federal mandates usually do more harm than good.

In my home State of Nebraska, we have shown America what is possible when the Federal Government gets out of the way and allows States to lead. We have proven that limited and responsive government works best.

During my time as Governor, we kept the size and scope of government small. We empowered people. We ran government more like a business. The reality is, when government works better, people are served better. We dramatically improved the level of services that we provided to Nebraska families. We got help to people in need faster than ever before. For example, we reduced the on-hold time for people calling our economic assistance phone line by 75 percent. We made it easier for citizens and businesses to work with the State. As an example, we cut the time it takes to issue a permit by nearly in half.

We achieved millions of dollars in savings while doing so. And do you know what saving money allows you to do? It allows you to give back to people their tax dollars in the form of tax relief. We provided billions of dollars in tax relief, including to our veterans and our seniors, by phasing out the taxes on their retirement income and Social Security.

We attracted new investments and jobs for communities big and small. We employed a record number of Nebras-

kans, and our unemployment rate fell to a historic low.

We made government work better. We proved that we can do a better job of providing services while controlling our costs. We also proved that we can respect people's freedoms and liberties while keeping people safe. During the pandemic, we kept kids in classrooms, people at their jobs, and government open. And we were ranked the No. 1 best pandemic response State.

All of this reflects our conservative Nebraska values. In Nebraska, we respect people's freedom. We value strong communities, family, and faith. We honor our law enforcement and our military. We expect a limited, accountable government. We believe in personal accountability and responsibility and the incredible potential of the individual. Nebraska is what America is supposed to be.

But, nationally, we have strayed from these values. Too many take our freedom for granted. Too many focus not on what is good but on their grievances. Too often, we hear resentment rather than reverence for the very principles that made this a great Nation. Too many have forgotten the old adage that a government big enough to give you everything you want is strong enough to take everything you have.

Massive and reckless spending to fund bigger programs has seriously weakened our economy. Families and businesses are struggling under the burden of high taxes, high inflation, and rising interest rates. A wave of job-killing regulations from Washington is harming American agriculture and industry.

At the same time, the Federal Government is failing in many of its most basic responsibilities, like keeping us safe. Undeniably, national security is paramount to the Nation's freedom and prosperity. It is the Federal Government's most important responsibility, but the Biden administration has turned a blind eye to the humanitarian and security crisis at our southern border.

Vulnerable people are dying, victims of the cartels. Fentanyl and other dangerous drugs are flooding into our Nation. So are suspects on our terrorist watch list. And what comes across the border, whether it is the drugs, the criminals, or the human trafficking victims, they don't stay there. They impact every community. It is costing Americans their lives.

Taryn Lee Griffin was a 24-year-old mom of two when she died in Lincoln, NB, of a drug overdose. She was out with friends when she took a pill she thought was a prescription drug. It was laced with a lethal dose of fentanyl. Her mom, Liz, said: Our daughter is everyone's daughter. She is right.

Our sons and daughters, our friends and neighbors, they are paying the price for this crisis with their lives every day. It is shameful and unacceptable.

This administration's incompetence on the southern border is matched by

its foreign policy blunders. The disastrous withdrawal from Afghanistan projected weakness to our friends and adversaries, and American servicemembers lost their lives, including Nebraskan Cpl Daegan Page.

Unbelievably, we left Americans behind and abandoned our Afghani security partners. Our allies are seriously questioning our commitment to our friends.

And, even worse, the bad guys, our adversaries—like the Chinese Communist Party, regimes in Russia, Iran, and North Korea—they are questioning our resolve.

Our freedoms and way of life depend upon peace. How do we maintain peace? We maintain peace through strength.

Not for the first time in our history, we find ourselves at a pivotal moment, facing what Ronald Reagan termed “a time of choosing.” I believe the choice is clear. We must chart a path to greater freedom and strength. We must remain the world’s beacon of peace and prosperity.

It requires us to get back to basics, back to our founding values. Those values have guided me as Governor, and they will guide me here. As Governor, we spent 8 years delivering on excellence.

I didn’t believe the naysayers back then when I started, and I don’t believe them now.

Government can work better, and it can do so while respecting our liberties. That is the goal I will work toward each and every day. I will strive to make the Federal Government work better for the people of this country. I will reject every effort to restrict our liberties and undermine our values.

I will work to restore transparency and faith in the Federal Government, and I will work to control spending, curb unnecessary regulation, and limit the size and scope of government. I will work to secure our borders and provide the resources to defend ourselves against our enemies. I will work to assure that we have a well-trained, well-led, and well-equipped military to defend us.

I will hold this administration and future administrations accountable to the people of Nebraska, and I will always fight for the best interests and freedoms of the Nebraskans I serve.

In spite of the challenges we face, I believe there has never been a better time to be an American. However, many don’t feel this way. We must make the American dream real for them.

Throughout history, we have risen to meet every challenge. With our founding values as our guide, we will again rise to meet the challenge of this moment.

My experience in the Senate so far has reaffirmed my faith that we have more in common than divides us. With that joy and faith in our Nation, I ask God to continue to bless the great State of Nebraska and the United States of America.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Nebraska.

Mrs. FISCHER. Madam President, I am so happy to be joined in the U.S. Senate by a Nebraska colleague as sharp, as capable, and as ready to get to work as Senator RICKETTS.

As Senator RICKETTS noted, Nebraska is what America is supposed to be. I know Senator RICKETTS cares deeply about the people of our great State and that together we will work hard to deliver results for Nebraska. Senator RICKETTS served Nebraska admirably as our Governor for two terms, and I am confident that his time in the U.S. Senate will further his legacy as an exceptional advocate for our State.

Just this month, Senator RICKETTS and I collaborated by traveling to the southern border to see firsthand the crisis that is unfolding there. We have partnered on a number of bills to push back on the Biden administration’s bureaucratic overreach, including on WOTUS, and we held a tele-townhall for our constituents.

I congratulate Senator RICKETTS on his maiden speech here in the U.S. Senate, and I look forward to many more opportunities to work together toward the interest of our home State of Nebraska.

I congratulate the Senator and welcome him to the U.S. Senate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I want to welcome the Senator. We get to add another plain-spoken Nebraskan to the U.S. Senate—people who bring a commonsense, clear-eyed realism, a solutions-oriented approach to the Senate. We are really grateful to have former Governor, now-Senator, PETE RICKETTS join the U.S. Senate, along with his colleague Senator DEB FISCHER. That is a powerful, powerful duo and will be a great partnership for the State of Nebraska and make great contributions to the U.S. Senate and to the betterment of our country.

And I know that, like a lot of people from their region of the world, they understand—as he pointed out in his remarks—the importance of a strong and secure America, an America that projects strength in the world, not just militarily but economically, diplomatically.

And so as we work on these issues, we face lots of challenges, lots of dangers in the world today.

I am just delighted to have another U.S. Senator who comes to us with a record of accomplishments as a Governor. He got a lot of things done when he was Governor of Nebraska. And, as a neighbor State, a State that gets an opportunity to observe—and, actually, I share almost a border with Senator FISCHER, because my hometown and her home area are literally, just as we speak, as the crow flies, in Nebraska and the Dakotas, a few miles apart.

But we know that we are going to have two people here representing that

State whom I have been able to watch, not only from afar but now up close, and just know how talented they are, how dedicated they are, and, again, just how practical and realistic and commonsensical they are about the challenges facing our country and about the solutions that we need to put in place to meet those challenges.

So congratulations on your remarks and welcome. It is great to have you here, and we look forward to serving with you, Senator RICKETTS, and to continue to serve with Senator FISHER.

The PRESIDING OFFICER. The junior Senator from Louisiana.

#### CRIME

Mr. KENNEDY. Madam President, with me today is Mr. Seth Brazier, who is one of my colleagues in my Senate office.

Madam President, I want to talk about my city today, the city of New Orleans. The city of New Orleans is iconic, and the whole world knows it.

My first job in State government was with a reform Governor, back in the late 1980s, named Governor Buddy Roemer.

Japan was doing extraordinarily well at that time economically, making many foreign investments, and Governor Roemer traveled to Japan to try to convince Japan to invest in Louisiana. And when the Governor got back, he told me: Kennedy, my first meeting was very enlightening.

He said: In my first meeting, I met with about 50 Japanese business people.

He said: I asked them how many of you have been to Louisiana?

The Governor said three of them raised their hand.

He said: Then I asked them another question. I asked these 50 Japanese business people: How many of you have been in New Orleans?

He said: Twenty-five of them raised their hand.

The city of New Orleans is iconic. Every State, every country would love to have a New Orleans. Our city was founded over 300 years ago. We are one of the oldest in America. It was founded in 1718. Our city is envied for—let’s see—our food, our music, our architecture, our diversity, our dialects, our merriment, and our festivals—for our celebration of life. In New Orleans, we dance with or without music.

But New Orleans is under attack. People there are being murdered. They are being shot. They are being raped. They are being stabbed. Their stuff is being stolen, and our quality of life is being degraded because of crime—because of crime, a cancer on our city.

I want to give you a sense of the breadth of our problem. In 2022, we had 280 murders in New Orleans. The victims ranged from six months of age to 91 years old. Ten percent of these victims were under the age of 18. Seventy percent were people of color.

Listen to this. One out of every eight Black males who live in New Orleans between the age of 15 to 24 will be shot—one out of eight. Statistically, it

is more dangerous to be young and Black in New Orleans than it was to be a marine in the battle of Fallujah during the height of the insurgency in Iraq. Those are the numbers.

Last year, my city had the highest murder rate in the country, twice the murder rate of Atlanta—twice. We had the most murders since 1996. Our murder rate was up 141 percent since 2019, and it is not just murder. Shootings in 2022 were up 88 percent from 2019, carjackings up 156 percent, armed robberies up 20 percent, and it is not much better in 2023.

Now, behind these sterile statistics are real live human beings, flesh and bones, blood and tissue.

In one of the most appalling cases that we have had, about a year ago, in an area in New Orleans that we call Mid-City, four teenagers—a 17-year-old boy, a 16-year-old girl, and two 15-year-old girls—four teenagers, carjacked a 73-year-old grandmother.

The teenagers pulled the grandmother out of the car and drove away, but the grandmother's arm got tangled in the driver's seatbelt. The teenagers kept going. They dragged her for a block until her arm was severed. This lady bled to death at the scene.

Crime in New Orleans is affecting all of us in our city—residents, visitors—every part of our city, but no one is hit harder than our low-income communities. That is true both in terms of public safety, and it is also true economically.

Most poor people are not criminals. They are not. But criminals often prey on our lower income fellow citizens, particularly in their own communities. Existing businesses then leave and they take jobs with them and unemployment goes up and we have more poverty.

And those businesses that remain in our lower income communities—they are often mom-and-pop shops with a small margin of profit—they have to pay more for insurance; they have to pay more for security; they have to pay more for credit, so they have to raise their prices, and that makes people even poorer.

That is what crime does.

We have tried—we in New Orleans, we have tried everything. We have around 900 police officers—we need 2,000—because many of our police officers retire every day.

We have tried paying higher salaries. We have tried paying better benefits. We have tried curfews. We have tried task forces. We have tried social programs. We have tried afterschool programs. We have tried crime cameras. We have tried facial recognition. We have tried conflict management. We have tried mentoring. We have tried youth clubs. We have tried job training. We have tried enhanced educational opportunities. We have tried prosecuting juveniles as adults. We have tried hotspot policing. We have tried 12-hour shifts. We have tried hiring administrative personnel to take

the paper workload off our cops to get them back on the street. You name it, and we have tried it.

We have tried everything but one thing—stop and frisk. Stop and frisk. Under the Fourth Amendment to the U.S. Constitution, a police officer may stop a suspect on the street without probable cause, and that police officer can stop that person on the street without probable cause so long as that police officer has what is called reasonable suspicion to believe that the person stopped has committed, is committing, or is about to commit a crime.

And after that person is stopped, if the police officer has reasonable suspicion to believe the person stopped might be carrying a weapon, the police officer can pat down that person on the outside of his or her clothing. That is called stop and frisk. It is a very effective law enforcement practice. It is used by police officers every day in virtually every city all across America, and it has been used since 1968.

In 1968, the U.S. Supreme Court decided a case—a very famous case—called *Terry v. Ohio*. *Terry v. Ohio*. The very liberal Chief Justice—I don't use the word "liberal" in a pejorative sense. I am just describing him as many scholarly works have. The very liberal Chief Justice Earl Warren actually wrote the opinion in *Terry v. Ohio*, and he was joined in that opinion by Justices Hugo Black, John Harlan, William Brennan, Potter Stewart, Byron White, Abe Fortas, and Thurgood Marshall. They all said together: Here is our opinion, *Terry v. Ohio*.

And what did that opinion say? That opinion said that under appropriate circumstances, stop and frisk is permissible. It is perfectly constitutional under the Fourth Amendment to the U.S. Constitution.

Now, I want you to note that a police officer cannot stop and frisk somebody on a whim, on a hunch. A cop does not have unfettered discretion.

In order for a police officer to stop a person on the street, that police officer—let me say it again—must have reasonable suspicion—reasonable suspicion—to believe that the person has committed, is committing, or is about to commit a crime.

And once again, once the person is stopped, the cop can frisk that person on the outside of his clothing—called a pat-down—only if the cop has reasonable suspicion to believe that the person stopped is carrying a weapon.

Why does this cop have this authority? To protect the cop during the questioning.

Reasonable suspicion is not a hunch. It is not a whim. It is an objective standard. It is not probable cause. You have to have probable cause to make an arrest, to conduct a search, for example, of someone's home. Probable cause is a higher standard, but reasonable suspicion is an objective standard. Reasonable suspicion exists, according to the case law, as you know, *Madam President*—reasonable suspicion exists

when an objectively reasonable police officer, given the facts and circumstances of that particular situation and considering the cop's training and experience, would suspect that a person, as I have said, has committed, is committing, or is about to commit a crime. And if probable cause is then established, of course, the person can be arrested.

Every cop in America who goes through training academy—and every cop in America does. Every cop in America knows about stop and frisk. Every cop in America is trained in the law enforcement practice of stop and frisk.

Let me give you an example: Let's suppose a police officer is driving by and he sees an individual late at night walking along the street with a coat hanger or a slim jim—do you all know what a slim jim is? It is sometimes called a lookout tool. It is a way to get into a car if you have lost your keys.

If a police officer sees someone late at night walking down the street with a coat hanger or a slim jim looking in cars, the police officer can stop that person. Can he arrest that person? No, he does not have probable cause. No crime has been committed, but he has reasonable suspicion to stop and talk to that person.

And once he stops to talk to that person, if he sees a big bulge here in his top pocket, he may have reasonable suspicion to believe that person has a weapon, and it would be dangerous for him, the police officer, to keep talking to that person. So the police officer—he can't make him take his jacket off or anything. He can just pat him down to see if there is a weapon.

Now, I repeat: Cops all over America stop and frisk suspects every single day, and they have for 50 years.

And you know who endorses it? The U.S. Supreme Court.

Now, like all police practices, it can be abused. Stop and frisk can be abused. And when it is, it can be and it should be challenged in court, and the abusing officer should be held accountable. But most officers don't abuse it.

As many people know, Mayors Rudy Giuliani and Michael Bloomberg—two New York mayors back-to-back—used stop and frisk extensively during the crimewave of the 1990s and the early part of this century to fight crime and gun violence in New York City. We have all read about that. Crime fell dramatically. Now, some have said that is due, in part, to stop and frisk. Some have said that stop and frisk had nothing to do with it. Some have said that in some cases, the New York Police Department abused stop and frisk, and those who maintain that position said that too often police officers were stopping and frisking people on the basis not of reasonable suspicion but on the basis of race or national origin. And that is wrong.

A case was filed called *Floyd v. City of New York*. *Floyd v. City of New York*. It was a class action. It was filed

against New York Mayor Bloomberg and others, alleging that the NYPD was not stopping people on the basis of reasonable suspicion but on the basis of race and national origin.

The Federal district court in that case ruled in favor of the plaintiffs. The NYPD then set about the business of reforming its stop and frisk policy, but Mayor Bloomberg left office, Mayor Bill de Blasio became mayor, and for all practical purposes, he completely stopped the practice of the stop and frisk.

So stop and frisk can be abused, and it is important to establish practices and procedures to guard against that abuse.

But let me put this another way. This is how I look at it. Some cops may and have violated the legal requirements for a proper Terry v. Ohio stop and frisk. And when that happens, that may make that person a racist or at least guilty of committing a racist act. But that does not mean that the practice of stop and frisk is inherently racist. Because some knuckleheads abuse it does not mean that the practice is inherently racist.

In fact, the U.S. Supreme Court, with only one dissent, has said that, properly applied, it does not violate the Constitution of the United States and can be an effective law enforcement tool.

So when there is abuse, the abuse is on the cop. It is on the officer. And most officers don't abuse stop and frisk.

And if it is proven he did something wrong, he should be held accountable. The time has come. The time has come for my city of New Orleans to try stop and frisk. It is time.

Now, some of our public officials in New Orleans are going to probably disagree with me, and some are going to say: Well, we are using stop and frisk already.

They are. Every now and then. Sometimes. But if you go talk to the average cop on the street in the city of New Orleans—I have; I have talked to many of them—they are going to tell you: The people with the flags in their offices—the politicians and the big shots and the political hierarchy—they are discouraging us from using stop and frisk. They don't want us to use stop and frisk.

I think it is time. We tried everything else, Lord knows. It is time to allow the men and women of the New Orleans Police Department to use stop and frisk without fear of losing their jobs.

I do not believe that the New Orleans Police Department is racist. Let me say it again: I do not believe that the New Orleans Police Department is racist, systemically or otherwise. I do not believe that the average New Orleans Police Department police officer is racist. My God, the NOPD is 58 percent Black and people of color and 35 percent White.

Now, we have a Federal consent decree in New Orleans for our police de-

partment. It is between the U.S. Department of Justice and the city of New Orleans. It oversees the New Orleans Police Department or, as we call it, NOPD. It was signed and entered into by Mayor Mitch Landrieu in 2010.

The consent decree does not prohibit stop and frisk. In fact, the consent decree provides for stop and frisk. I want to quote from the consent decree:

NOPD officers may only conduct investigatory stops or detentions where the officer has reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime.

Does that sound familiar?

That is right out of Terry v. Ohio, where the U.S. Supreme Court almost unanimously said stop and frisk, when used appropriately, is a very effective law enforcement tool.

Now, the consent decree goes on—wildly, in my opinion. It mandates a stop-and-search data collection and review procedure. So the consent decree says, if you are going to use stop and frisk, you have got to collect all the data.

I think that is a great idea.

The consent decree also requires the police officer, when he or she uses stop and frisk, to document the stop and frisk and detail the reasonable suspicion in writing—in writing. In New York, they call this report a UF-250 form. I don't know what it is called in New Orleans. They have been using stop and frisk so infrequently, I am not sure they have one. But it requires the cop who does the stop and frisk to sit down and say: Here is the suspect. I had reasonable suspicion, and here, with specificity, is why. And let me say, collecting the data and requiring the reporting after the fact is standard operating procedure. This is nothing new. It is standard operating procedure in every police department in America. It is also common sense.

There is a gentleman in New Orleans by the name of Mr. Ronald Serpas. Mr. Serpas is a former superintendent. We call our chief of police at NOPD a superintendent. He is a former NOPD superintendent. Mr. Serpas is also a former chief of the Washington State Patrol, and he is now a professor of, I think, criminology at Loyola University in New Orleans.

I don't speak for the superintendent, and I don't want to intend to. But he has written a number of articles in support of stop and frisk in New Orleans.

He has said that the NOPD today has been reduced to only responding and reacting after a crime has been committed, when the damage has been done. The former superintendent says: What we need in New Orleans is more proactive policing to prevent crime, like stop and frisk.

Now, the former superintendent has analyzed the publicly available data on the NOPD consent decree. We collect data on our consent decree. It is publicly available. In fact, the city council has put up a dashboard for the consent decree, and one of the provisions in the

dashboard has a stop-and-search feature. You can go on the stop-and-search feature on the internet and see how many stops and frisks the police department has done in the past 180 days. So you have a date, and it looks back 180 days.

This is what the former superintendent found after he analyzed the stop-and-search feature on the website. And I will give you an example; I don't know if I was clear about the 180 days.

For example, January 2, 2015, on that day, if you went back 180 days, the NOPD had conducted 32,913 stops in the prior 180 days.

Let me say that again: January 2, 2015—8 years ago—in 180 days prior, the NOPD had conducted 33,000 stops.

As of January 18, 2023, 8 years later—really 7, because it is January—NOPD had conducted 5,095—let's call it 5,000 stops over the past 180 days. So 5,000, down from 33,000; and that 5,000 is spread over 6 months. Do you see a trend here?

Now, during COVID, as you would expect, stops and frisks in New Orleans were down. People were inside. Following COVID, the stops increased—according to the superintendent who analyzed the data—increased to 14,303 in the 180 days before August 17, 2021.

So think back to August of 2021, over the prior 6 months, the NOPD did 14,303 stops. But after that day, there was an uninterrupted decline in the number of stops, down to 5,095 today.

So the stops are up here. They came down. They went down further because of COVID. They went up to 14,000 in August of 2021, and then they kept going down. That doesn't exactly, but it closely tracks crime rate in New Orleans, because stop and frisk is used to proactively prevent crime.

Look, I want you to understand. The problem in New Orleans—I love my city. I love my State. I love my city too. The problem in New Orleans is—I don't want you to think that we have thousands of previously law-abiding New Orleanians turning to crime. That is not what is going on. We don't have a bunch of law-abiding people who have now turned to crime in my city. That is not what is happening.

The problem we have is with career criminals. And they are running rampant, and our cops are spread thin. And we have some public officials—not all of them but there are some—that think cops are a bigger problem than criminals. And they think that criminals really shouldn't be prosecuted—they are not bad; they are just sick. This is America. You can believe what you want, but that is what is going on in my city. It is not a majority, but it is more than a handful.

We tried everything. We need to allow police officers to stop and frisk. We need to allow our police officers to stop and frisk. It should be carefully monitored. It should be done legally. But it should be done. We have tried everything else, everything under the sun, to stop the extreme recidivists.



Nothing has worked. And maybe this perfectly legal, very effective police practice, stop and frisk, which is used every day across America, will help.

I yield the floor to my colleague from New Hampshire.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from New Hampshire.

#### RELATING TO A NATIONAL EMERGENCY DECLARED BY THE PRESIDENT ON MARCH 13, 2020

Mrs. SHAHEEN. I ask unanimous consent that notwithstanding rule XXII, the Senate proceed to the immediate consideration of Calendar No. 33, H.J. Res. 7, and that at 5:45 p.m. today it be considered read a third time, and the Senate vote on passage of the joint resolution without any intervening action or debate.

PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

A joint resolution (H. J. Res. 7) relating to a national emergency declared by the President on March 13, 2020.

There being no objection, the Senate proceeded to consider the joint resolution.

#### TRIBUTE TO DR. ARIEL MARSHALL

Mrs. SHAHEEN. Mr. President, I now get to the reason that I came to the floor today, which is to recognize and express appreciation for a member of my staff, my legislative director, Dr. Ariel Marshall. Ariel will be leaving for a new opportunity next month, and I can't let her go without thanking her for her service and sharing how much she has meant to me, to her colleagues, and to the State of New Hampshire over the past 8 years. And all you have to do is look at all of our staff from our DC office who are here on the floor as part of this recognition of Ariel.

Ariel came to my Senate office in 2015 through a congressional fellowship for scientists and engineers with an interest in public policy. As a chemist with a Ph.D. in hand, Ariel approached policymaking as if it were a research topic or an experiment. She asked questions. She identified problems. She dove into research to understand different subjects and issue areas and their relationship to one another. She formed theories based on her observations. She looked for creative ways to test her ideas and analyze her findings, and she eagerly shared her conclusions with her colleagues and with an open mind on how the process could be improved.

With her background, it is no surprise that Ariel quickly developed a reputation as a capable and friendly team player. As her fellowship came to an end, Ariel made the decision to stay on staff as a legislative assistant with a focus on energy and environmental issues.

Her responsibilities grew in a very short time when she became a senior domestic policy adviser. And when the legislative director position opened on my team, Ariel was a natural fit, and she accepted her new leadership role with her trademark positivity, grace, and good humor.

Over the last 8 years, there have been historic moments that I know will be the cornerstone of Ariel's memories in the Senate. At the top of that list—for me, anyway—is Ariel's success in getting the Shaheen-Portman—Portman-Shaheen energy efficiency bill across the finish line and signed into law.

Her steady, unwavering efforts to move that bill forward, year after year, piece by piece, should be taught to every incoming legislative staffer in the Senate. It is a study in perseverance and effectiveness.

Her work on Shaheen-Portman—and the work of others before her—is making a huge difference in the global fight against climate change.

Ariel was also instrumental during one of the most difficult, most intense, and most important crises this body has had to face—the fight against COVID. Ariel led our legislative team at a time of great uncertainty here in the Senate. She was a key negotiator of the Senate's legislative response, including the historic CARES Act. Ariel's work on that bill, particularly on the small business provisions and the PPP program—in the midst of a nationwide pandemic and a potential economic collapse—helped to save millions of jobs around the country. Her efforts kept workers employed and food on the table for countless concerned families across this country.

Finally, Ariel was also our leading negotiator throughout the bipartisan infrastructure debate during the summer and fall of 2021. Ariel was particularly integral to both the water infrastructure and broadband investments, and she spent countless late nights—and had numerous slices of cold pizza—with me, with Senator COLLINS, and with the other bipartisan members of that group.

The infrastructure bill is a huge legislative achievement. It is one that will bring countless benefits to Americans for years to come. One of its most important accomplishments was proving that Republicans and Democrats could still work together to get big things done even in this difficult political climate. This would not have happened without the work of people like Ariel, who is tough, patient, effective, and focused on making a difference.

I am proud of all of the legislative work we have accomplished over these last 8 years in my office, and Ariel's leadership has been integral to these successes.

The legislation, the negotiating, the policymaking—that is just one measure of Ariel's impact. With her background in research and chemistry, Ariel knows that it is a community, or a team, that finds innovations and

makes discoveries. That much is clear in her leadership of our legislative staff. She has shaped a team that approaches issues and problems just as she would: by asking the right questions, by searching for solutions, by evaluating all of the options, by getting the job done.

All who work with Ariel view her not only as a wealth of knowledge but also as a dear colleague, a sympathetic ear, and a treasured friend. The relationships she has built and the values she has instilled in her team—I think that is an equal part of her legacy and long tenure on my staff.

These last few weeks have been bittersweet because, while all of us are excited about what is ahead for Ariel, we will also miss her wisdom, her counsel, her can-do attitude, her humor, and her infectious laugh.

Thank you, Ariel, for giving so much to me, to your colleagues, to New Hampshire, and to the country during your service in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### ENERGY

Mrs. CAPITO. Mr. President, I rise today to talk about the importance of unleashing American energy, the consequences of President Biden's refusal to invest in American energy, the impact this is having on energy States like West Virginia and Texas, and what steps we can take to move forward to fix the mistakes made by the White House and the jeopardy that they have put our country in.

President Biden has made his stance on American energy clear since day one of his administration. As President, his policies and personnel choices have delivered on his campaign promises, and high prices are just part of the bargain. The administration has canceled pipelines, rescinded previously issued approvals for others, and raised barriers to building new ones. They have frozen oil and gas leasing and proposed raising royalties—costs that will be passed on to the consumer. The Biden EPA has continued to layer regulation on regulation, though I am pleased to report that, earlier today, through the congressional resolution, we pulled down the WOTUS rule that the EPA recently put forward last December.

These are just a few of the unreasonable and misguided policy decisions this administration has made that have led to what we are facing today.

Congressional Democrats have not been shy about their stance on an “all of the above” energy future. Look no further than the two pieces of legislation that our colleagues on the other side of the aisle boast about the most—the American Rescue Plan and the so-called Inflation Reduction Act. Just last week, while I was questioning President Biden's head of the Environmental Protection Agency, I was asking him about his Agency's budget. Administrator Regan admitted that, because of the Inflation Reduction Act,



coal capacity and natural gas generation will plummet in the future.

This is the coal capacity with the IRA. It is way down here below 50. If there had been no IRA, it would have been somewhere here, around 80.

Let me say that again.

Through data generated by the EPA and admitted to be true by the head of the administration, coal capacity and natural gas generation will be significantly lower in our country because of the Inflation Reduction Act.

Here is natural gas with no IRA, up here. With the IRA, it will be way down here by 2040.

He went even further—Administrator Regan did—and admitted the misguided policies with the Inflation Reduction Act will lead to the closures of coal and natural gas plants. This will lead to the shuttering of proud energy-producing communities across my State of West Virginia and our country, moving us further away from the energy independence that we desperately need and want. This clearly spells out the priorities of this President and underscores the urgency needed in reversing these policies.

On top of all of this, the out-of-control reckless spending and Green New Deal priorities that are packaged in the American Rescue Plan have caused energy prices to soar alongside record inflation. So let's take a look at the consequences of President Biden's war on American energy by the numbers.

When he took office, the average price for a gallon of gasoline was \$2.39. Now the average price is \$3.44—a 44-percent increase. And let's not forget what we just lived through 9 months ago when the record was set, when gas prices averaged about \$5 a gallon for the first time in history.

High gas costs like this just create a domino effect. In fact, increased fuel costs and shortages have made it more expensive to manufacture goods, to deliver goods, and, ultimately, to provide what we want and need in this country. It has made everything more expensive. This creates additional strain on our supply chains and feeds into the inflation that so many families continue to struggle with.

Think about the cost of food at the grocery store. Add to this the price that Americans paid to heat their homes when winter came on. No matter what utility you used, it went up. Whether it was natural gas, electric, oil, or renewables, all prices went up. Those who heat their homes with natural gas are at the highest disadvantage in paying 25 percent extra this winter just to keep their homes warm. This truly shows that, no matter what, there is no escaping the consequences that President Biden and congressional Democrats have created by turning their heads on American energy.

The good news is we know what we need to do to unleash American energy and move critical projects forward. Republicans and Democrats alike know it. We all know it. We must make gen-

uine reforms to our Nation's permitting and environmental review processes. For example, it should not take 7 to 10 years to permit a mine or a large transportation project in the United States. It should not be typical for endless legal challenges to be filed, one after another, for the sole purpose of postponing and, ultimately, killing key energy projects. Projects that create jobs, that produce energy of all kinds, and that drive down costs should not be delayed or stopped because of burdensome regulations. The current system hamstring States and employers that are trying to build anything here in the United States, and it needs to change.

We need to provide regulatory certainty to our States. We need to expedite permitting and review processes while ensuring all environmental considerations are completed. We need to codify substantive environmental regulatory reforms and jump-start key projects like, in my State, the critically important Mountain Valley Pipeline.

Together, we should address section 401 of the Clean Water Act. We should streamline the NEPA process with real deadlines for Agency reviews, and we should limit judicial review to avoid endless litigation that delays and sometimes cancels projects.

I want to be very clear when I say "projects." I mean projects of any kind. That means both renewable and conventional sources of energy.

We have made great strides in advancing cleaner energy sources, but without the ability to build and build quickly, we will not capitalize on that process.

Unfortunately, at every turn, the Biden administration has made it harder for any of these projects to move forward. I mentioned earlier the waters of the United States rule, the WOTUS rule. It significantly expands the Federal Government's authority when it comes to water sources across the country, and it will mean more people will have to get more permits and deal with more redtape—many times, on their own private farmland.

Fortunately, we challenged that rule through a Congressional Review Act, and it passed in a bipartisan way in both the House and the Senate, and it will go to the President's desk. It is up to him.

Have you listened to the voices of the American people or will you continue with these tactics that you have been doing?

So what do we need to do? Why do we need to do it? How do we get it done?

I have been saying all along that I believe the best solutions are by going through regular order—bipartisan, through our committees—through the Environment and Public Works Committee, through the Energy Committee—and through any other committee that has relevant actions toward permitting. It is where we can hear those who know these issues the

best. We can formulate solutions, hash out our differences, and compromise. I believe that is the only way that we can get permitting reform across the line, and I am willing to do whatever I can.

I am glad the House is taking the first swing at this and sending us a great starting point for how we can finally address America's broken permitting process and give a boost to energy production right here at home. There is no denying there is growing momentum in the Senate to get real, legitimate permitting reform across the finish line and signed into law. I have had many, many conversations.

I encourage my colleagues on the other side of the aisle to heed the increased call for energy independence and help us deliver that "all of the above" solution, which we all say we want, that increases our national security, creates jobs, keeps good jobs at home, and that, lastly and very importantly, lowers the energy costs for American families.

With that, I am proud to be here with my fellow Republican Senators who have the solutions to energy independence.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to join my colleagues today, the esteemed Senator from West Virginia and the senior Senator from Texas, to talk about the importance of producing more energy in America, which means that we have got to find a way to press back against the Biden administration's harmful policies that have caused energy prices to increase and have fueled inflation across our entire economy.

Gas prices, today, are \$3.46 nationally. That is the average—\$3.46 nationally. It has gone up 45 percent since President Biden took office. It is almost a 50-percent increase. That means everyone out there, every day, is paying 50 percent more at the pump. And it is not just that. It is the impact on inflation. There is an energy component in every good and every service that people buy. With a 50-percent increase in the price of gas at the pump, think about what that means. That is a 50-percent increase in energy cost in terms of inflation, which is hitting Americans so hard right now. Residential electricity prices spiked 25 percent during the same period. With natural gas, the price is up more than 50 percent—more than 50 percent.

What is causing this? Clearly, it is the Biden administration's policies. They spent the last 2 years restricting and curtailing U.S. energy production in pursuit of this Green New Deal, starting with day 1 when President Biden came into office with his canceling the Keystone XL Pipeline, and it has continued with the moratorium that he put on Federal oil and gas leases shortly thereafter.

President Biden, the Biden administration, along with Members of Congress, the Democrat Members of Congress, then passed a partisan bill that levied \$735 billion in new taxes, including a new tax on natural gas and higher fees and royalty rates on Federal energy production.

So they not only put a moratorium in place on oil and gas production on Federal lands but then later came back and said, OK, they will start allowing some production, but only 20 percent of those Federal lands are available, and the Biden administration increased the royalty rates by 50 percent. When you restrict supply and raise the cost, of course that is going to raise the price of energy in this country, and it is going to reduce the supply.

Now the Biden administration is doubling down with an onslaught of regulatory overreach specifically designed to make American energy production more expensive. This includes the waters of the United States regulation. The waters of the United States rule absolutely impacts everybody across this country. It is a fundamental property rights issue. Again, it affects not only our production of energy but ag products and everything else.

It makes no sense that while energy prices are high, instead of embracing America's energy producers, President Biden has drained our Strategic Petroleum Reserve to its lowest level in 40 years while going to the Middle East and places like Venezuela for our energy. Think about it. Think about their record on environmental stewardship. Think about their record on human rights. Instead of producing more energy here at home, they are going to places like Venezuela and allowing them to export their energy to the United States.

The Biden administration should not turn to places like Iran and Venezuela for more oil—countries with little to no environmental standards—when we have the capability to ramp up production here in this country.

In 2019, the United States produced 13 million barrels of oil per day, including 1.5 million barrels per day from my State, North Dakota.

U.S. oil production remains down at about 12.1 million barrels per day, so that is 1 million barrels a day less than when the administration came into office—1 million barrels a day. For example, in our State, we are producing a little over 1 million barrels a day when we were at 1.5 million barrels a day at the beginning of the Biden administration.

Increasing the supply and lowering the cost of energy is key to attacking inflation. As I said earlier, the cost of energy is built into every other good and service consumed across this country. To this end, I have introduced some legislation to expand our domestic energy production and enhance the energy security of the United States and our allies.

The North American Energy Act brings certainty to the permitting

process for important cross-border energy pipeline and electric transmission line projects and prevents the President from taking unilateral action to cancel vital energy projects like the Keystone XL Pipeline.

The Promoting Interagency Coordination for Review of Natural Gas Projects Act streamlines the review process for interstate natural gas pipelines and LNG projects, helping to more efficiently deliver natural gas to areas that need it the most.

More pipelines are needed to deliver natural gas to areas, including New England.

I say to the Presiding Officer, in your State, we need pipelines up there. There are still people up there who use fuel oil rather than natural gas because we don't have the pipeline capacity up there to bring it to them. That obviously increases their costs. Again, going back to environmental standards, it is clearly advantageous if they were to utilize natural gas.

The Bureau of Land Management Mineral Spacing Act is the third act I would mention that I have put forth that improves the permitting process in States like North Dakota and others where you have split mineral estates, where the Federal Government has no surface acreage, but the minerals underneath the land is in some cases owned by the Federal Government, in some cases owned by private individuals and others, and they are held up from producing those minerals because of the Federal ownership even when the Federal Government doesn't own any of the surface acres.

Removing this duplicative requirement for a Federal drilling permit in these cases would empower private mineral holders to develop their resources and produce more energy, while enabling the Federal Agencies, like BLM, to actually better utilize their resources.

These three commonsense permitting reforms are included in H.R. 1, the Lower Energy Cost Act, which is currently being considered on the House floor, H.R. 1.

It is time for us to go to work on a bipartisan basis in this Chamber, take the handcuffs off our energy producers, and produce more energy here at home for American consumers in this country.

The United States is fortunate to have abundant and affordable reserves in coal, oil, and gas. These resources are one of our Nation's greatest strengths. It is an incredible asset.

Nobody has better environmental stewardship than our country in producing energy. Thanks to the shale revolution, the United States became the world's largest oil and gas producer, and we have been able to do it while simultaneously reducing emissions. The carbon capture technologies we are advancing are actually reducing emissions.

Once again, by encouraging domestic production by streamlining energy

project approvals to get energy to market, we can unleash America's full energy potential to increase supply and bring down costs for hard-working families.

I now will yield the floor to my colleague from the Lone Star State, who can speak on these issues as well.

We are absolutely committed to producing more energy for hard-working Americans to bring down inflation and also because it is such a vital component of our national security. Energy security is national security.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to thank our friends from North Dakota, from West Virginia, and from Nebraska for being here today to talk about producing low-cost energy, which would reduce emissions.

I am from an energy-producing State. In Texas, we are an "all of the above" State. We actually generate more electricity from wind than any other State in the Nation.

While I know many people think of the Lone Star State as being primarily an oil and gas producer, which we are, we really are an "all of the above" State because we found that, for example, when the wind doesn't blow and the Sun doesn't shine, then you need a baseload from some source, whether it is nuclear, whether it is natural gas. We have even had instances where, because of very, very cold weather, 100-year cold snaps, even natural gas does not supply that baseload. But here again, it is a reminder of how vulnerable we all are to a secure and affordable energy supply.

If we needed a recent historical reminder, when Mr. Putin invaded Ukraine and threatened to cut off the sole source of energy for essentially all of Europe, they had to scramble for alternative sources and diversify their energy supply. That ought to be a lesson to us that we should not put all of our eggs in one basket, but we should pursue an "all of the above" energy strategy.

One of the biggest hurdles to energy development in America today, whether it is fossil fuels or green energy, is the permitting process. Any project with a Federal nexus, whether it touches Federal land, crosses State lines, or uses Federal funding, has to wade through a swamp of redtape. This process is not just cumbersome, it is also time-consuming and expensive. On average, it takes 4½ years to complete the environmental review for potential projects. Again, that is just the average—4½ years. Many projects take longer. In fact, it takes more than 6 years to complete the environmental review for a quarter of the projects.

Whether we are talking about drilling for oil and gas, building wind farms, mining critical minerals, building pipelines, or any other energy project, the permitting process is a major impediment. It puts the boot on

the neck of America's energy producers; it raises costs for consumers, who need more, not less, energy; and it delays the jobs and investment that these projects would create.

Earlier this week, a coalition of more than 340 organizations sent a letter to Congress advocating for commonsense permitting reform. This group includes organizations that represent traditional energy producers, like the American Petroleum Institute and the American Gas Association, but it also notably includes renewable energy groups, such as the American Clean Power Association and the American Council on Renewable Energy. It includes industries that are supported by American energy production, like pipeline contractors, builders, truckers, and engineers, as well as groups that advocate for small businesses and consumers. This is a very diverse range of stakeholders, and they agree on this one thing: It is time to fix America's broken permitting system. They described it as "the biggest obstacle to building the infrastructure of the future," and I agree.

I know that sometimes people think that building things is going to encourage more fossil fuel production, but the simple fact is, the same transmission lines that carry electricity from wind-generated turbines—you need those for any type of electricity, whether it is nuclear power, whether it is natural gas, whether it is wind. All of these require certain basic infrastructure, and they are all slowed down and made more expensive by the antiquated permitting process. This problem harms American energy security and stands in the way of new jobs and investments in communities all across the country.

It is time—it is really past time—for Congress to simplify and expedite the permitting process. This is at the top of the to-do list for our Republican colleagues in the House. As we have heard this week, they are expected to pass a package of bills to overhaul the broken permitting process and make other reforms to boost energy production and bring down energy costs for consumers.

Unfortunately, the majority leader, the Senator from New York, didn't waste any time attacking the House bill. He called it a "partisan, dead-on-arrival, and unserious proposal." That is hardly the recipe for productive, bipartisan negotiations between the House and the Senate.

As the majority leader knows, Senator MANCHIN, the Senator from West Virginia—his permitting reform didn't have the votes to pass the Senate, let alone the House. But the good news is that Senator MANCHIN and Senator CAPITO—both from the great State of West Virginia—are leading the efforts in this Chamber to work on a bipartisan permitting reform bill.

The only way to fix the broken system is to work together, to utilize our committees, and to craft a bill that can gain the requisite support of at least 60 Senators.

As a top Republican on the Environment and Public Works Committee, Senator CAPITO has been on point on this issue. She and Senator BARRASSO, who is the ranking member of the Energy and Natural Resources Committee, are our leaders in trying to find a way to fix this broken process and promote America's energy security.

As I said, there is strong bipartisan support for commonsense permitting reform, and I hope the majority leader will not stand in the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

#### CONSUMER AND FUEL RETAILER CHOICE ACT

Mrs. FISCHER. Mr. President, my colleagues and I are here today to discuss the importance of unleashing American energy. Especially during a time of international turmoil, we in the United States need to ensure that we reduce our dependence on unstable foreign countries for our energy.

But right now, as the Senator from Texas alluded to in his comments, there is a tangled web of unnecessary regulations that is holding our Nation back from an "all of the above" energy agenda that would benefit consumers, producers, and our national security.

One example of what is holding us back is outdated regulation of E15. Nebraska is an energy-producing State and has an important role in any discussion about unleashing American energy. E15 is a biofuel blend of gasoline with 15 percent ethanol. This critical fuel mix is proven to lower gas prices for consumers at the pump. One study found that the average price of E15 during last year's summer driving season was 16 cents less per gallon than regular unleaded gas.

As any driver can tell you, after years of escalating gas prices under this administration, these savings add up quickly. Consumers want the lower fuel prices of E15, and retailers know it. That is why the number of retailers offering E15 has more than doubled since 2017, rising from 1,200 to 2,700.

E15 boosts our domestic energy security. Our country is blessed with ample natural resources, and we should take advantage of them—including ethanol. Use of E15 unleashes American energy here at home, dealing a blow to our dependence on foreign oil.

And ethanol is good for the environment. Emissions from ethanol are 46 percent lower than from traditional gasoline. One study found that corn ethanol contributed to a reduction of 500 million tons in emissions between 2005 and 2019. So why not make use of E15?

This issue is important to my State—very important. Nebraska is the second largest producer of biofuels in the Nation and generates over 2 billion gallons of renewable fuel each year. But when we look at these overly restrictive regulations, they are threatening to rob consumers of that choice.

One outdated law needlessly restricts the sale of E15 during the summer

months. The regulation restricting E15 is based on a measure called the Reid vapor pressure, or the RVP, which measures the volatility of certain gasoline blends. The irony of this is that E15 actually has a lower RVP than E10, which is less restricted. Ultimately, this outdated law doesn't make much sense, and it harms consumers.

In Nebraska, we have 24 operating ethanol plants, and they have created almost 1,500 good-paying jobs across our State. Family farmers in Nebraska use biofuels like E15 to help fuel the rest of this country. For the sake of those Nebraskans, as well as the average American at the pump, I have been leading the charge for many years to end the legal limbo that we see around E15.

This month, I introduced again the Consumer and Fuel Retailer Choice Act, which would allow for the year-round, nationwide sale of E15. Eight different States have made admirable strides to allow the sale of E15 in their regions, but these efforts can only result in a patchwork of uneven regulations across the country, leaving many families without access to cheaper E15.

The EPA could—and they should—take emergency action to allow E15 sales this summer. But, let's remember, that would only be a temporary solution. We need a permanent, nationwide solution, and that happens to be what my bill provides. The bill is the opposite of a mandate. It puts consumers in the driver's seat by providing them with the completely voluntary option to take advantage of E15 and its benefits.

We have worked hard to build a very diverse, bipartisan coalition for this bill. The Nation's largest oil and natural gas trade association, the American Petroleum Institute, is one of our bill's most notable supporters. It is time that Congress joins together to pass legislation that truly advances an "all of the above" energy solution, that ensures Americans' access to lower cost E15 fuel.

All of my colleagues should support more choices for lower cost fuel, especially as our country reels from high inflation.

The Consumer and Fuel Retailer Choice Act provides families with the choice to purchase and retailers with the choice to sell E15. That is a major win for family farmers, for consumers at the pump, and for our American security.

Mr. President, I see my colleague the junior Senator from Nebraska is here on the floor, and I would yield to him.

The PRESIDING OFFICER. The Senator from Nebraska.

H.J. RES. 27

Mr. RICKETTS. Mr. President, I rise today to fight a blatant land grab by the Federal Government.

My colleagues and I support the Senator from West Virginia's resolution disapproving of the waters of the United States rule. This rule would change the definition of "navigable

waters" to include things like roadside ditches, puddles on construction sites, farm ponds.

Think about that. President Biden's EPA and Army Corps of Engineers apparently believe that drainage ditches, construction site puddles, and farm ponds are navigable waters. To say this statement defies all common sense is an understatement. Quite frankly, it is embarrassing.

I am from Nebraska. I get it. I am from a land-locked State. But, to me, "navigable" means you can put a boat on a body of water and go somewhere. But you don't have to take my word for it. We have the Merriam-Webster definition of "navigable" right here, and it says: "deep enough and wide enough to afford passage to ships."

If you put a boat on a roadside ditch, you are not going anywhere. If you put a boat on a puddle on a construction site, you are not going anywhere. If you put a boat on a pond, you are just going around the pond. You are not going anywhere besides that.

To Nebraska farmers and ranchers, this is just dumb. Beyond that, the Biden administration is trying to change the law without coming to Congress. The 1972 Clean Water Act said "navigable waters" 50 times. Congress's intent could not have been more clear.

As a legislative branch, we must protect our authority. The Biden administration is trying to subvert our laws, and it must be stopped. If allowed to stand, this rule would increase costs and uncertainty for producers, property owners, and small businesses.

President Biden and liberal bureaucrats have absolutely no business regulating this, and I think the President knows it. You know why I think the President knows it? Well, because President Biden's EPA and Army Corps of Engineers quietly finalized this rule on the last working day of the year, just before New Year's Eve. It seems like the President and his cronies hoped that no one would notice.

Well, guess what. We noticed. Nebraska's farmers and ranchers noticed. My Senate colleagues and I noticed, and we are pushing back hard. And, today, my colleagues and I are defending private property rights from this unconstitutional power grab. Today, we are sending a message to President Biden that our farmers and ranchers need relief, not regulation. Today, we are fulfilling our responsibility to provide oversight and accountability in response to Executive overreach. Today, we are defending the authority of the legislative branch.

When I was Governor, I repeatedly opposed President Obama's efforts to expand the waters of the United States rule. As Senator, I strongly oppose President Biden's attempt to do the same.

I want to again thank Senator CAPITO for her leadership on this issue. I am proud to have joined a bipartisan effort today to vote to rescind this un-

constitutional rule. I hope President Biden will choose to sign this common-sense resolution as he did the DC crime bill. He agreed with a bipartisan group of Senators then, and he should do the same now.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Missouri.

UNANIMOUS CONSENT REQUEST—S. 85

Mr. HAWLEY. Madam President, 4 months ago, the U.S. Senate, and then the U.S. House, came together to ban the app TikTok on all Federal Government devices—on tablets, on phones, on computers—on Federal contractors and their devices as well.

We acted, just a few months ago, with a sense of urgency because we decided that TikTok was a national security threat. A privacy threat? Yes. A data threat? Yes. But above all, a national security threat. And we were right to act just those few months ago.

And now we must take the next step: to ban TikTok nationwide, to protect the security of every single American whose personal lives, whose personal data, whose personal security is in danger from the Chinese Communist Party in Beijing. And it is time to act now because we have seen, just in the last week, the TikTok CEO come before the U.S. Congress and confirm that the reasons we acted 4 months ago were right and valid and that the need at this hour is urgent.

In this last week, we learned—I should say we confirmed from the testimony of the TikTok CEO that TikTok has the ability to track Americans' data, to track Americans' location, to track Americans' personal lives—whether they want it to or not.

What am I talking about? Well, TikTok tracks your keystrokes. Now, think about this for a second. It is not just the videos you may upload if you have the app on your phone. It is not just the videos that you watch. It is the keystrokes that you enter—and not just while you are on the app. Oh, no. It tracks your keystrokes all the time—while you are texting, what you are emailing. It tracks your contact list. It reads your phone list.

We believe, based on independent third-party analysis, that it can get into email. And it does this whether or not the user consents. In fact, there is no way to turn it off. Americans are subject to this ongoing data collection—at all hours of the day and night—even if they have got TikTok turned off on their phone.

What else have we learned? Well, that TikTok is monitoring the location of Americans. It is not just your keystrokes. It is your location data. Where are you right now? What is it that you are doing? Where are you moving to? Are you in a car? Are you in a building? On what floor are you on? TikTok can use the settings of your phone to track exactly where Americans are.

And we know that they have been doing this—TikTok has been gathering

this data—not just on American citizens but also on American journalists. We know that they are able to see what journalists are saying, to see where journalists are going.

New whistleblower revelations have shown that TikTok has spied on particular American journalists and tried to track them, tried to learn what they are writing, tried to control, in essence, or at least get an understanding of what their message might be.

Think about this. An app on your phone that tracks your keystrokes, that reads your personal information, that tracks journalists around, that tracks your location—you can't do anything about it. And we haven't even gotten to the worst part.

The worst part is all of this information is accessible to engineers based in China, accessible to the Chinese Communist Party.

When he was asked about this last week, the CEO of TikTok didn't deny this espionage. No, what he said instead is, well, "I don't think spying is the right way to describe it."

Maybe he preferred the word "surveillance." Maybe he preferred the word "monitoring." Maybe he preferred the word "tracking." But I actually think "spying" just about captures it.

The problem with TikTok is not the videos on the app. The problem with TikTok is, it is a backdoor for the Chinese Communist Party into the personal lives and information into the most intimate details of every American's life.

And we know the link between TikTok and the Chinese Communist Party is real, and we know that it is strong. TikTok is a wholly owned subsidiary of the Chinese parent company ByteDance. We know that ByteDance has Chinese Communist Party members in its senior leadership. In fact, ByteDance's editor in chief is a Communist Party secretary. We know the Communist Party has done trainings for TikTok and ByteDance personnel. We have video of it being done in Beijing, in China.

Whistleblowers have come forward to my office, and to others, and given us evidence that China-based engineers are able to access Americans' personal data at any time that they want. Again, the CEO did not deny that last week. No.

The links to the Chinese Communist Party are real, and they are inscribed in Chinese law. This isn't just a matter of what TikTok may want to do. No. TikTok is a wholly owned subsidiary of the Chinese parent company and is subject to Chinese law, which both the 2014 espionage law in that country and their 2017 national security law, which required—required—the company to turn over data that the Chinese Communist Party, that Beijing, may request. Under those laws, they must make Americans' data available—must make it available—to Chinese communist officials.

This is in addition to the CCP members who are actually senior officials in these companies, who work in these companies, who have access to Americans' data as I stand here and speak to you today.

The intent of China in all of this is quite clear. They want to build a profile on every single American. We know that many of the recent data hacks of credit agencies, of other digital repositories of Americans' personal information have been carried out by communist China. They are hungry for information about the American people. They are gathering it on everybody that they can, as much as they can—just like they do to their own citizens. And they are using the app TikTok to do it.

Of course, that is not the only way that the Chinese Communist Party has tried to gather information on Americans. This is certainly not the only time that they have done it. Think about the Confucius Institutes all across the country that the CCP funded on America's college campuses. Think about the researchers they funded and tried to place into key programs, key institutes and universities all across the country. Heaven's sake, think about the Chinese spy balloon that just went over this country, right over my home State of Missouri, just a few weeks ago, photographing everything that they could.

Now, this is a pattern. The difference is, in those cases, we addressed it. We shut down the Confucius Institutes. Those who have lied about their money that they have gotten from China, the funding that they have gotten, have in some cases been prosecuted for attempted espionage on America's college campuses, and the spy balloon was belatedly shot down—but shot down, at least.

Now, we have taken action in these other instances to protect Americans to stop the efforts of the CCP to spy on America, to collect Americans' data, to put Americans at risk. And now we must do the same thing with TikTok.

This is why President Trump and the previous administration tried to ban it. Let's not forget this isn't the beginning of this debate. This is the end of it. We have been at this for years now.

Years ago, the last administration tried to ban TikTok for all of these same national security reasons that led us as a Congress to ban it on Federal devices.

This has been a long time coming. There is no rush to judgment here. This is what administration after administration has concluded; that it is time to take action.

Here is the real truth that if it were the Confucius Institutes, the Chinese spy balloon, if it were some American company that was coordinating with a foreign ally, we would shut it down immediately. And we have done it in these other cases. But with TikTok, now TikTok says: Oh, no, no, no, no. You can't do that to us. You can't hold

us accountable. We have a special carve-out. No, we have the First Amendment. The First Amendment protects us.

Well, I must have missed the class in law school where we covered the First Amendment right to spy. The last time I checked my Constitution, there was no such protection. And I can be darn sure that there is no special First Amendment carve-out for communists.

Now, the First Amendment may protect dance videos, sure; upload those all you want. But the First Amendment does not protect the right to spy on American citizens. It does not protect espionage. It does not protect what the Chinese Communist Party is trying to do in harvesting the data of millions of Americans.

Now, TikTok has no special First Amendment carve-out. They don't get special privileges that no other entity or an American company would get. They are subject to the same rules. And when you try to spy on American citizens, when you try to use Americans' own phones as portals for collection, that ought to be stopped. You ought to be banned.

And the fact that they are a China-based company shouldn't help them or hurt them. The fact is, their ties to Beijing, their ties to the CCP, their ongoing efforts at espionage, and their ongoing lies, by the way, to this body—this is a company that has come before this body and lied time and time again. They said that they weren't controlled by ByteDance. Now we know they are. They said that China's China-based engineers couldn't access American user data. Now we know they can.

They said that the CCP had no influence. And yet last week, the CEO of TikTok couldn't even confirm that the CCP hadn't helped write his talking points. Now, this is an entity—this is a corporate interest—that is influenced, if not, controlled, by the Chinese Communist Party.

The national security risks are severe and growing worse. And I haven't even talked about—I haven't even talked about—the materials on suicide promotion that you will find on TikTok. I haven't talked about the risks to mental health that it may pose.

And there is a reason that TikTok isn't even available in China. Did you know that? In China, TikTok isn't available. Why is that? Well, it is because Beijing isn't stupid. They know it is "digital" fentanyl.

TikTok wasn't designed to make our lives better. TikTok is designed to addict and then to be used as a gateway into our personal lives. It is designed to addict and then to be used as a portal to spy on American citizens.

Now, I tell you what, here is one thing that has changed since just December, a few months ago, when we banned TikTok on Federal Government devices. TikTok has gone into full damage control mode. And as Big Tech companies do all the time, they hired a

fleet of lobbyists and have spent untold amounts of cash. I am told that even today TikTok lobbyists have been seen here in the building. I have no doubt that they are scurrying around right now. Maybe they are in the Gallery.

I just say this: We have the opportunity today to send a message to this corporate interest that the U.S. Senate is not for sale; that we cannot be bought; that we cannot be purchased; that we cannot be influenced by their lobbying campaign, by their corporate money; that we will instead side with the American people. We will tell the truth about what this app is. We will do our jobs and protect Americans.

Now, some say that we ought to have a broader bill that would not actually ban TikTok but would give new authority to the executive branch and leave it open. I don't agree with that. My view is, we should act decisively to ban TikTok directly. We shouldn't give new, open-ended authority to Federal bureaucrats; we should target this threat specifically. That is what this bill does that we have before us today. It goes right at the problem. It bans TikTok in this country. It protects the American people, and it sends the message to communist China that you cannot buy us.

I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 85 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, there are two main reasons why we might not want to do this. The one would be the First Amendment to the Constitution. Speech is protected, whether you like it or not. The second reason would be that the Constitution actually prohibits bills of attainder. You are not allowed to have a specific bill against a person or a company. So this fails on two egregious points, pretty obvious points. I think we ought to think about that.

I think we should be aware of those who peddle fear. I think we should be aware of those who use fear to coax Americans to relinquish our liberties, to regulate and limit our First Amendment rights.

Every accusation of data-gathering that has been attributed to TikTok could also be attributed to domestic big tech companies. In fact, one of the bills they are looking at doing is broad enough that the President will be given the power to designate whatever country he sees fit to be an adversary and whatever company underneath that definition. It would basically be a limitless authority for the President to ban speech.

If Republicans want to continuously lose elections for a generation, they

should pass this bill to ban TikTok, a social media app used by 150 million people, primarily young Americans. This brilliant strategy comes while polls indicate that 71 percent of young women and 53 percent of young men voted for a Democrat candidate for Congress.

Admittedly, many Democrats have joined Republicans in calling for this ban, but, like most issues, the blame will stick to Republicans more.

The Republican strategy to ban TikTok comes simultaneously with GOP complaints of domestic social media companies canceling and censoring conservatives. Without a hint of irony, many of these same conservatives now rail against censorship while advocating for censorship against social media apps they worry are influenced by the Chinese.

Before banning TikTok, these censors might want to discover that China already bans TikTok. Do we really want to emulate Chinese speech bans? Aren't we the ones who say it is wrong for China to ban speech? So we are going to be just like China and ban speech we are afraid of?

The vice president of FreedomWorks, John Tamny, perhaps described this situation best:

Nauseating Harassment of TikTok Presumes Americans Will Be Saved From Chinese Authoritarianism If U.S. Politicians Act Like Chinese Authoritarians.

We are going to be saved from speech if we ban it in our country. My goodness. Could we think of anything more antithetical to the freedom of speech?

Go to the app. They say the app is full of propaganda, and your young people will be dancing into communism. Go to the app and search for Falun Gong, the anti-communist religious sect that is persecuted in China. Go to TikTok and search for videos advocating Taiwan's independence; criticism of Chinese President Xi Jinping. Videos are all over TikTok that are critical of official Chinese positions. That is why TikTok is banned in China. Do we want to follow China's lead in banning speech?

We should not let fear of communism cause us to ignore our First Amendment protections of free speech.

This legislation violates not only the First Amendment rights of those who own TikTok—many of whom are actually Americans, not Chinese—but it also violates the First Amendment rights of the millions of young Americans who use this social media app.

I ask the American people: Do you want Joe Biden to be your censor? Do you want to give unlimited power to any President, regardless of party, to decide who is our adversary and which countries and then which companies? There is not even a list of what percentage. What if the Chinese own 1 percent of a company or 10 percent of a company?

One of the bills before us would allow the Department of Commerce to decide—there are five countries they list

that are adversaries; these are big countries that have a lot of interactions with our country already—decide which country in addition to the five.

The Department of Commerce can designate a country as an adversary, but then they can designate a company. But there are no specifics. Do the new people who are designated to be an adversary have to own 100 percent of the company? 50 percent of the company? 1 percent of the company?

This is a crazy gift of power to one person. I don't care which party they are in; it is a huge mistake.

Doctors Mueller and Farhat of Georgia Tech write:

If nationalist fears about Chinese influence operations lead to a departure from American constitutional principles supporting free and open political discourse, we will have succeeded in undermining our system of government more effectively than any Chinese propaganda.

Throughout the 20th century, millions of people were fed communist propaganda every day for their entire lives. When the regimes collapsed, the people celebrated. They danced on the Berlin Wall and on the grave of communism.

Have faith. Have faith that Americans are smart enough to hear bad ideas and reject those ideas. Have faith that our desire for freedom is strong enough to survive a few dance videos. Have some faith in freedom.

We don't ban things that are unpopular in the United States. Our Constitution even allows a Communist Party.

The previous speaker said, and I quote, "There is no . . . First Amendment carve-out for communists." Well, actually, there is. In our society, you can be a communist. I don't advocate it. I think it is a terrible idea, and almost no Americans choose it. But there is a Communist Party here. We actually had a former CIA Director who said he voted for the Communist candidate in 1976—someone I don't advise you appoint to be the head of your CIA. But this is a free country. You can actually have terrible ideas, and you can broadcast them. That is what freedom of speech is about. It is not about saying: You know, I love Mother Teresa. It is not about saying things uncontroversial. It is about the ability to say things that people don't like.

Have some faith in freedom.

Our Constitution does protect even despicable speech, even the Communist Party. It operates today. Nobody wants to join the Communist Party, but you still can if you wish. America is a country that celebrates free expression, that cherishes free association, that is confident in the cause of liberty.

If you want to address the evils of Big Tech, it is not the Chinese Government you have to fear but your own. In June 2021, Newsweek reported that Big Tech complied with 85 percent of government requests to hand over your personal data. So you are worried

about the Chinese Government? Your government has all of your data, and they are sucking it up from all of Big Tech. So the thing is, is your next step to ban Big Tech in our country?

There are some people who are promoting banning TikTok, and their next step is Facebook. This is on both sides of the aisle. This contagion is infecting the whole country—both parties.

Realize that this means—with 85 percent of government requests to Big Tech being honored, this means that Facebook, Google, Apple, Microsoft, once presented with a subpoena or a warrant, routinely hand over the contents of emails, text messages, photos, documents, calendars, contact lists, and more to your government. Big Tech puts up virtually no legal fight to protect your privacy. They could go to court to stop this. Instead, there is a big cable that runs from Big Tech to the government, and they snoop on every bit of our information. If you want to protect privacy, why don't we start by protecting our own privacy in this country?

To those who are worried that the Chinese Government might somehow now have access to millions of American teenagers' information, realize that all social media sucks up personal data that people voluntarily provide. If you are going to ban TikTok, what is next?

Arguably, several domestic apps censor conservatives more than TikTok. I know this because I have been censored and I have been banned. I have had speeches on the Senate floor that are protected by the Constitution banned and kicked off of YouTube. I despise these people, but I am not going to vote to ban them because I realize that intellectually, in a free country, I don't have the right to tell the New York Times to publish my op-ed or YouTube to publish my speech. I don't like what they do.

Quit using them. That is what happens in a free country. If you don't like TikTok, quit using them. But don't disenfranchise 150 million Americans who are using a social media app and just say it is no big deal. This is the First Amendment right of 150 million Americans.

I have a host of complaints about domestic social media platforms. They cancel conservatives. But I am not in favor of banning one of them or regulating their speech or telling them who can post and who can't post. That is what the First Amendment is about. If you don't like TikTok or Facebook or YouTube, don't use them, but don't think that any interpretation of the Constitution gives you the right to ban them.

TikTok's mission appears to be like most other companies: to make money and lots of it. TikTok is actually cooperating with our government. There is something called the Committee on Foreign Investment in the United States—CFIUS—and TikTok has agreed to put all their data in Oracle's



Cloud, and they have agreed to work with the U.S. Government. Because they so much want to make money, they will do anything to try to get rid of this accusation that they are somehow part of the Communist Party, which is not true. It is a company that is owned—probably the majority of it—by Americans and Europeans and other Asians outside of China. Less than 50 percent of it is owned by any Chinese. There is no Chinese Government of the American TikTok.

Even that being said, they are willing to put all of it under the Oracle Cloud. They are willing to have U.S. regulators be given access to it, all because they want to continue to make money. They don't want to be shut down by the censors.

The First Amendment isn't necessary to protect speech that everybody accepts. The First Amendment exists to protect speech that might be unpopular or might be controversial.

U.S. courts have already struck down the Trump ban on TikTok. It amazes me now that the other side that was so horrified by the idea of President Trump banning something has now jumped on board to ban it themselves.

I hope saner minds will reflect on which is more dangerous: videos of teenagers dancing or the precedent of the U.S. Government banning speech. For me, it is an easy answer. I will defend the Bill of Rights against all comers—even, if need be, from members of my own party.

I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Would the Senator from Kentucky entertain a question?

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. HAWLEY. Madam President, I have never before heard on this floor a defense of the right to spy. I didn't realize that the First Amendment contained a right to espionage.

The Senator from Kentucky mentions the Bill of Rights. I must have missed the right of the Chinese Government to spy on Americans in our Bill of Rights, because that is what we are talking about here.

The Senator from Kentucky can watch as many dance videos as he wants. I have no objection to that. He can watch them on this floor for all I care. Fine. What I object to is the Communist Chinese Party using this app on Americans' phones to spy on Americans without their consent.

The Senator says that Americans can simply not use this app, just turn it off. That is not the case. If you turn it off, it continues to collect information. You don't need to consent. TikTok doesn't ask you do you want to share your information; it takes it. It doesn't ask you for permission to track your location; it takes it. It doesn't ask you for permission to share it with the Chi-

nese Communist Party; it just does it. That is the problem.

Scour the Constitution. Scour the First Amendment. I promise you, you won't find any right to espionage. You won't find any right to spy. And this novel right that the Senator thinks he has discovered for Americans to be spied upon—I never heard of such a thing in the history of this country. I am astounded to learn that Americans have the right to be spied upon.

So not only does China apparently get the right to spy in the First Amendment, Americans have the inalienable right to be spied upon and have all of their data taken from them. That, apparently, is democracy.

That is not democracy. That is the abuse of our laws, the abuse of our economy, the abuse of our people by a foreign government for its purposes.

So I say again, watch dance videos to your heart's content; but spy on Americans, that is where we have to draw the line.

As to money, the Senator said—and I think he is exactly right—that TikTok wants to make money. No doubt about it. And, my, the money they are making; and, my, the money that they are showering on this building. And it is having an effect.

But in the end, the American people don't want to be treated as commodities to be bought and sold, because—make no mistake—it is the American people who are being bought and sold here by TikTok.

They are being sold to the Chinese Communist Party for influence and money. They are being sold for the wishes and the whims of Beijing, and they are being lied to every step of the way.

I will yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Madam President, there are just a couple of points I want to address. I have been watching in the office; I am not here to make a motion or anything, but this is an important topic. We don't do this enough, which is this back-and-forth, so I will be brief.

The first is, this is not a First Amendment issue, because we are not trying to ban "booty" videos. I don't know if there is a better term for it, but that is not what we are trying to ban. It is not about the content of the videos that are online, it is about the dangers to the national security that are presented by the way that this company functions. And that is what people don't understand and what we owe people an explanation on.

The reason why TikTok—and all the social media companies, for that matter—are addictive is two. They collect a tremendous amount of data on the individual user, not just what you are doing but what you are doing across the platform, your pictures, everything. They want to learn from it, but not just because some guy is sitting

and reading all this stuff. They feed it into an algorithm that is powered by artificial intelligence. It knows you better than you know yourself. That is why the more you use it, the more attractive the videos become to you, because they know exactly how your mind works better than you know how your mind works—at least the algorithm does.

So who owns the algorithm? The algorithm is owned by a company named ByteDance that is in China. Now, listen, I don't care who owns ByteDance. I don't care if it is owned 100 percent by Americans. ByteDance operates out of China. And this is what we need to understand: There are no such things as private companies in China; they do not exist.

Under Chinese law, their national security law, their national intelligence law, every company in China has to do whatever the Communist Party tells them. So if the Communist Party goes to ByteDance and says: We want you to use that algorithm to push these videos on Americans to convince them of whatever, they have to do it. They don't have an option. They may not want to do it. But ask Jack Ma what happens, no matter how rich you are, when you don't want to do what the Communist Party tells you to do. You move to Singapore for a year and disappear. That is what happens.

OK, so all these people have to respond, and ByteDance has to answer to whatever they are told. Now this thing about Oracle and the cloud, it sounds really good, but here's the problem with it: It doesn't matter where you store the data. You could store the data in my backyard in a locked safe. No matter what, for TikTok to work, you have to give the engineers in China access to it because they control the algorithm.

So it honestly doesn't matter where the data is stored. They still have to open it up for the engineers at ByteDance in China to look at it or the algorithm doesn't work; and without the algorithm, there is no TikTok.

You can't buy the algorithm. Do you know why you can't buy the algorithm? Because in 2020, the Chinese Government imposed a law that says it is illegal. You cannot transfer the algorithm out of China.

What made me chuckle last week is when there was this talk of a forced sale, the Chinese Government says: We will block it. And I am like, how can the Chinese Government block the sale of a company they don't control? How can the Chinese Government block the sale of a company that is not theirs?

The answer is, because under Chinese law, ByteDance cannot do anything that they are not allowed to do, and that algorithm can be used against us.

The other one is we will just sell TikTok. Again, TikTok is the name of this platform in the United States.

I heard an argument made that there is no TikTok in China. There is an equivalent to TikTok in China; it is



just not called TikTok. TikTok U.S. is what they call it abroad, but there is an equivalent that uses the same AI formula and the like. The difference is that the videos they allow over there are ones that don't encourage you to choke yourself to death or drink poison or things of that nature.

But, look, it is not about the content. All of these social media companies—there is a difference, though. I am not a fan of Facebook and how they handle things. I am not a fan of any of these social media companies. But the difference is, whatever they do wrong, they do because they want to do it. If the U.S. Government goes tomorrow to Facebook and says: We want you to do X, they will probably say no. They wouldn't need to listen to us under a law. You can subpoena them for records through a process that involves courts, but none of that exists in China. And that is the point that is being missed here.

So last point I want to address: No evidence that they are doing anything now. You go on the video, you can search this and you can search that, absolutely. Because they understand that they want to grow their market share. But I would make the same argument about the weapons. China has hypersonic missiles. There is no evidence they are firing them at us today, but why do they have them?

The Soviet Union—and now Russia—has intercontinental ballistic missiles with nuclear warheads on them. They never fired them on us. And yet we spend a lot of money making sure they don't and trying to shoot them down if they do.

Every threat is theoretical until the moment it happens. The truth of the matter is this: There is this powerful amount of data, a powerful algorithm entirely controlled at any time they want by the Chinese Government operating in our country, and there is no other way to handle this—not the sale of the company, not the storage of the data. If there was a lesser way to deal with this, I would be for it. But there isn't.

And that is why since 2019, I have been calling for this to be banned. There is no other way to get control of this. The dangers it poses to the country are real. I think before we ban a company that 150 million Americans use, we owe them a better explanation than: Just trust us; it is bad. I agree with that. And we should be doing more of it. But be under no illusion—this is a weapon.

And I will close with this: Think about all the people here that were freaking out because Russia was using bots to influence voters in America on Twitter, Facebook, what have you. Imagine if Russia owned Facebook or Twitter. Imagine if there was a law and now it owned them but told them: You must use it this way. Because that is what we are facing. That is what we have on our hands here.

And not to mention the millions of small businesses in America that have

grown because of TikTok. They will be hostages in the future to a Chinese Government that can destroy their business at a moment's notice unless they can convince their elected officials that America shouldn't defend Taiwan or that America shouldn't be tough on trade.

However they want to weaponize it, the risk is real. I don't waste my time going after social media platforms unless it is important. This is important. I hope we will talk more about it. It deserves the attention that it is starting to get.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Madam President, let me just finish with this, that the Senator from Kentucky decried the collection of personal data by American social media companies—and he is right to do that, by the way. I am concerned about that, too, no doubt. But he pointed out that many American social media companies collect all of this information, that they do it without users' consent, sometimes they sell it to third parties for profit, and you can't necessarily opt out of it. All fair enough, but he is protecting exactly what he decries.

The difference is with TikTok, that information is going to a hostile foreign government. It is not a market. It is total control.

So I would just say this to Americans out there who are using TikTok: Just know this—we need to tell you the truth about this app. Just know this: If you have it on your phone, it is tracking your key strokes; it is tracking your movements; it is tracking your location; and it is sending that information—whether you want it sent or not—to Beijing, to the Communist Chinese Party, where it can be accessed by anybody there who wants it, under China's national security laws.

That is a threat to your personal security, and that is why we should act to ban it.

Let me just finally ask the Senator from Kentucky—he and I talked about this before—would the Senator consider allowing us to set a rollcall vote, an up-or-down rollcall vote? Not unanimous consent passed but, as I said, a rollcall vote at a time certain. Would the Senator consent to that?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Reserving the right to object. I am unlikely to take First Amendment advice from someone who believes that the First Amendment doesn't protect the Communist Party. You will find no greater foe of Communism, no greater critic. I have been a longstanding critic of, really, the funding of research in Wuhan that led to the virus. And yet I still want to protect the basic Bill of Rights, the First Amendment that protects speech, whether we like it or not. And if someone doesn't understand that Communism actually is included in the

First Amendment, that terrible speech we object to is included under that—this is something we should be very wary of.

We should beware of people who peddle fear. We should beware of people who peddle half-truths. Almost everything that has been said about collecting data is, in all likelihood, true. All the social media companies collect data. They devise algorithms. Some of the domestic ones have psychological experiments that might horrify you to see what they have all the young kids thinking and doing and trying to get them to click on different pictures or trying to get them.

This is a marketing strategy, and they all do it. And they all want to make money, and they all want to get clicks.

The difference is this: Many people on the right—in fact, some on the left—they are horrified by Big Tech in our country; they are consistent in being horrified by the abuses of Big Tech here and also TikTok.

But look at their legislative proposals, many of them would actually ban Big Tech here as well or put it under the thumb of government or set up government agencies or panels to determine what speech would be acceptable. And if you are not putting enough conservatives on there, by golly, we are going to have a government commission that is going to determine what kind of content gets on there.

These are scary ideas. Don't succumb to fear. Don't give up our freedoms. Don't say that, oh, my goodness, we are going to ban 150 million Americans. This isn't just about the company; this is about the rights of 150 million Americans to get their content.

You are restricting what they can do, and you are restricting what they can use, all with innuendo. Everything that has been said about, oh, this is a channel and a funnel to the Chinese Government—these are all conjecture. These are all things they are saying happened. As far as the sale of the company, I don't think we should force them to sell, but I do believe, in a heartbeat, they could be sold.

They are located in the Cayman Islands. They are incorporated in the Cayman Islands, and they can be sold at any minute. I don't think we should force them to sell. The majority of the shareholders are not Chinese; the two engineers that developed it are, but to say that the algorithm has to reside in China and is in one tiny place and isn't anywhere else is a simplistic notion of the way technology works.

The company has bent over backwards to work with our government to try to set up something that would be reasonable, including more government oversight. So I, for one, will say that I will continue to defend the First Amendment. And those who believe that the First Amendment doesn't protect the speech are in the wrong, and they will find that out when the Supreme Court rules on this.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HAWLEY. Madam President, I would just say in conclusion that the security risk from TikTok led us to ban it 4 months ago for the Federal Government. The facts cannot be denied, which is why the TikTok CEO had nothing to say a week ago. He could not deny any of these facts. The truth will carry the day, and we will continue to fight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I understand that there is a vote scheduled at 5:45, and in order to clarify the voting procedure this evening, I would initially ask unanimous consent that I be able to complete my remarks and the following Senators be permitted to speak for five minutes each prior to the scheduled vote.

I also presume that Senator TUBERVILLE will speak while he reserves his right to object; is that correct? So you do not need time?

In that case, I ask unanimous consent for Senator LEE, Senator HIRONO, Senator BENNET, and Senator MARSHALL to be granted 5 minutes each prior to the scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR

Mr. REED. Madam President, I rise to discuss the promotions and appointments of general and flag officers in the United States military, including several appointments to lieutenant general and vice admiral.

These are officers who would hold positions of particular importance and responsibility to the Nation. The promotions of these military leaders were reported out of the Armed Services Committee over the past 2 months.

There have been no substantive objections raised against these nominations. For the benefit of my colleagues who may not appreciate the nature and volume of military promotions and nominations considered by the Armed Services Committee, last year, the Committee considered and the Senate confirmed nearly 20,000 military officers, including 656 general and flag officers.

The Senate confirmed 20,000 nominations through bipartisan unanimous consent because the tradition of the Committee and of the Senate is to consider military nominations as apolitical and thus process them in a timely and respectful manner so our troops do not experience delays in their promotion or appointment or in their pay and benefits.

Moreover, the sheer volume of nominations we consider means we cannot subject them to the ordinary political gamesmanship we see with civilian nominations.

The senior Senator from Alabama has made these promotions a political

matter. He and he alone placed a blanket hold on these officers, unrelated to their qualifications, because of a policy disagreement with the administration that these officers played no part in deciding.

This, in my view, is a profound assault on the professionalism of the men and women of the armed services.

The vast majority of these officers were selected by promotion boards, which are panels of military officers who decide promotions purely on merit, considering the skill, talent, and the military's collective assessment of their potential to lead in the grades for which they have been nominated.

Blanket political holds on military officers, in an attempt to overturn a civilian policy decision, sets a dangerous trend for our military, our political process, our Nation, and this Senate.

The senior Senator from Alabama placed his hold on February 16th, and as a result, not a single general or flag officer nominated in this Congress has been confirmed.

Let me repeat that.

Due to the senior Senator from Alabama's hold, not a single general or flag officer has been promoted.

As the Senator's hold moves into its third month, we will quickly reach a critical mass of backlogged nominations, if we are not already there, that will imperil our national security, degrade unit readiness, and place undue, and undeserved, hardships on military families.

It may not be his intent, but he is effectively accomplishing what our adversaries could only dream of: denying our military of its leadership and degrading our ability to fight and win the Nation's wars.

The bottom line is that military promotions are not a political matter and they are not toys for political gains, and military officers are not tokens in such a game. They are not hostages to issues that are determined by civilian authorities.

An administration's civilian nominees may be fair game, and they have been repeatedly, but not professional military officers. That has long been the Committee's and the Senate's tradition and practice.

And I want to turn to some specific claims made by the Senator from Alabama. He has asserted a number of times that the Department changed the law or that DOD somehow lacked authority. That simply isn't true.

To be clear, under its new policy—and this is with respect to reproductive rights for female soldiers, sailors, airmen, marines, and guardians—the Department of Defense will provide administrative leave and paid travel if a member of the military or their dependent is stationed in a State or country that does not provide the healthcare needed.

The Department has broad statutory authority to provide travel benefits to servicemembers and their dependents, and it does so routinely, including for

the provision of healthcare services. I am not aware of any assertion from anyone knowledgeable of the law and of the Department's actions that the Department does not have the authority to do this. Indeed, to the best of my knowledge, no serious lawyer has made this argument, and there has not been a single lawsuit filed on this matter.

These policies are, again, travel and administrative leave policies. They do not violate the Federal prohibition on DOD paying for noncovered reproductive health services. Such reproductive health services will still be paid for by members and dependents out of their own pockets. These policies merely facilitate the provision of health services for servicemembers and dependents who may be stationed in an area that does not provide the needed healthcare, including overseas locations.

Further, the senior Senator from Alabama has publicly stated:

"If Democrats are so worried about the nominations, then they can bring them up for a vote. We have more than enough time to vote on nominees."

Setting aside the deeply troubling implication that certain Members of the Republican Party do not care enough about our national defense to ensure that senior military leaders are in place in a timely manner, it would take several months of constant attention on this floor just to move through the current batch of general and flag officers that are presently on the Senate calendar. And this is not even accounting for all the nominations still to come.

If we took this path, this Senate would be consumed entirely by nominating and confirming military officers ad infinitum, unable to do anything else.

And there are currently 184 general and flag officers, including 11 to be promoted to lieutenant general or vice admiral, subject to this political hold.

And let me highlight just three to show you the impact and the consequences of these holds.

One nominee is nominated to be Commander of the Navy's 7th Fleet. It is the largest of the Navy's deployed fleets and has responsibility for the Indo-PACOM area of operations.

And I hear constantly in the Committee and elsewhere on the floor: The Chinese threat—we have got to do more. We just listened to a long diatribe about TikTok and how dangerous it is.

I think what might be more dangerous is not having a confirmed leader for this fleet in the Pacific able to move out immediately to any type of threat coming from the Chinese.

In addition, the Commander of the Navy's 5th Fleet is responsible for the naval and combined maritime forces in the Indian Ocean, Persian Gulf, Arabian Sea, and it is under the overall command of U.S. Central Command. And we hear every day—we heard it just recently—about how the Iranians are taking advantage of us. They say we are not responding strongly enough.

Well, how effective will our response be if we are not quite sure who the Commander of this fleet is? We have got a nominee, but the officer is not confirmed. We have an officer who may have to leave for another assignment. This causes readiness problems, morale problems, and undermines the military that we all seem around here to suggest is our primary concern.

Another one: the U.S. Military Representative to NATO, who is the senior uniformed representative to NATO during a time when NATO is critical to our support of Ukraine, therefore, against Russia.

And, again, my colleagues would stand up and say: We have got to do more for Ukraine. We have to make sure they get the support they need, through coordination with NATO. We have to do all these things, but we really don't need anyone in Brussels to help with military advice and assistance. We will just ignore that.

These are just three examples, and I would like to look ahead because this is just the tip of the proverbial iceberg.

Within the next 8 months, we expect the Department to nominate approximately 650 general and flag officers, including 80 three- or four-star nominees, all of whom will come through the Armed Services Committee and require Senate confirmation.

These include the nomination of the next Chairman of the Joint Chiefs of Staff. By law, General Milley will retire in September. If this hold persists, then we will be without a Chairman of the Joint Chiefs of Staff.

We also expect nominations for the service chiefs of the Army, the Navy, and the Marine Corps. The Chief of Staff for the Army, the CNO of the Navy, and the Commandant of the Marine Corps are scheduled to retire.

If this hold persists, we will not have leadership in the Army, the Navy, and the Marine Corps, and that would be devastating to readiness, to morale, to the whole history of our government in which we move nominees based on merit, not as political hostages.

We are also talking about major combat commands—Cyber Command. Does anyone have to talk about the relevance of Cyber Command? Again, we just listened to a long, long discussion about cyber security and the stealing of information and governmental interference with that. Cyber Command is the key actor from the Department of Defense standpoint in all of those efforts. And, frankly, without a Commander of Cyber Command, I think the TikTok issue sort of diminishes in importance.

We also have SPACECOM and NORTHCOM. They are responsible for the defense of the United States so that we do not find ourselves here at home devastated by any type of attack, which, today, includes cyber, missile, hypersonics—all those possibilities.

There are also three Deputy Commanders who are coming on—CYBERCOM, CENTCOM, and AFRICOM.

So what you can see is, if this policy continues or this practice continues, we are wiping out the leadership of the Department of Defense and doing an extraordinary disservice to the men and women who wear the uniform of the United States.

We have always treated military nominations appropriately, as beyond the political fray, and we must continue to do so for the good of the service and all those who take the oath, and their families, too, because no military member serves alone. The families serve with him or her.

Now, I believe in a very strong military based on constitutional and professional values. We must not inject political theater into this process.

If we do not have a coherent, organized leadership at the Department of Defense, then we are putting our troops at risk. That is quite simple, and, to me, it is unacceptable.

With that, I would ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 46, 47, 48, 49, 50, 51, 52, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; and that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. TUBERVILLE. Madam President, I reserve the right to object.

I want to start out by mentioning the great respect I have for Senator REED. I am deeply grateful for the chairman's service to this country, both the service in uniform and as chairman of the Armed Service Committee, of which I am a member.

I believe the chairman and I agree on a lot more than we disagree on, but I take exception to several things that have been said about me by Democratic Members of the Senate.

Every day this week, the majority leader has come to the floor and attacked me by name. It is not very often the majority leader of the Senate attacks a Senator by name 3 days in a row.

Now, in my former profession, I have been called everything so it really doesn't bother me too much, but the majority leader has also tweeted about me. That is good.

So let's get the record straight as we speak.

Right now, I want to talk about what I have done and what I am doing. First of all, I am not blocking anyone from being confirmed or promoted. Every single one of these nominees can receive a vote if Senator SCHUMER wants it. In fact, one of the civilian nominees is getting voted on this week. If Demo-

crats are so worried about these nominations, let's vote. If we are not going to vote on taxpayer-funded abortion, then let's vote on these nominees. Voting is our job. It is not much to ask of the U.S. Senate to do our job, to vote.

Senator SCHUMER and some of the other Senators have claimed that my hold on these nominees is unprecedented.

Well, it is not. My hold is far from unprecedented. In fact, Senator BENNET himself threatened to do this exact same thing just a few months ago. Why? Because the Air Force planned to move Space Command from Colorado to Huntsville, AL. We have talked about this recently. Two years ago, we had a Senator from Illinois put a hold on 1,000 nominees over the promotion of one single officer. So far, my hold has affected 184 nominations.

I also will note that these Senators haven't said a word about our recruiting crisis that we have going on as we speak. Democrats are in a panic about 184 promotions for generals and officers, and yet I have not heard a word from them about the 15,000 enlisted soldiers we are missing right now from last year's recruiting class. That is an entire division.

There is another 8,600 who were discharged over the President's vaccine mandate—kicked out. I don't hear a word about that from the Democrats.

The military is down 23,000 enlisted soldiers due to the actions taken by the Biden administration and his Secretary of Defense just this past year. Yet Democrats are worried about 184 generals getting their promotion? Only one of those things threatens our security. It is not officer promotion.

When my dad was serving in World War II, we had one general for every 6,000 enlisted soldiers—one. Today, we have got one general for every 1,500. We do not suffer from a lack of generals in this country. We suffer from a lack of recruits. Military experts have known for a long time that the Pentagon is top-heavy.

This entire line of attack on me is absolutely false. The generals' jobs are being done. Yet 23,000 enlisted troops that we are missing, their jobs are not being done.

My Democrat friends keep saying abortion is necessary for readiness, but I have yet to hear a shred of evidence to back that up. I have been asking for months. Yet again, my Democrat friends have absolutely zero evidence to show abortion makes our troops safer, stronger, or more lethal.

And let's be clear about what we are talking about. We are not talking about access to abortion. We are talking about taxpayers funding for travel and extra paid time to get elective abortions.

We already have a policy. We already have a policy in the Army about abortion, and it has worked fine. But this policy includes spouses and dependents. We are talking about taxpayer funding for somebody's kid to get an abortion

in another State. This has never been in the policy until now, because Congress has ensured that the Pentagon cannot perform or facilitate abortions except in legal circumstances, and limited.

This morning, I received an email from a soldier's mom in Alabama. She said her son has had to pay thousands of dollars out of his own pocket to buy uniforms and bedsheets. She said it is absurd to force taxpayers to pay for travel for abortions while our troops—our troops—are paying out of pocket for their uniforms. She is right. She is exactly right.

And that is what this is all about. Earlier today, Senator SCHUMER said this is about women making their own choices. That is not true. That is exactly not true. This is about taxpayer funding. That is what we are talking about. We have strict limits on taxpayer funding for abortions in this country. That has gone through this building right here. There has been a bipartisan consensus for 40 years. Yet, all of a sudden, Democrats are saying the military can't win wars without expanded abortion. It doesn't make sense.

Frankly, we already have policies for abortion in the military. Over the last 5 years, there have been about 20 abortions a year performed in the military. These have been in cases of rape, incest, and threat to the life of the mom. Over the 40 years, I don't recall the military ever once complaining that we weren't performing enough abortions. Not one time have I heard that—not one time.

According to one report cited by the Pentagon officials to my staff, the new policy would expand taxpayer-funded abortions from 20 abortions a year to 4,000–4,000. And who is going to pay for that? The people in this country are going to pay for it.

This goes beyond the law without anybody taking a vote here in this building.

We were elected to pass laws. We were elected to do our job. The Department of Defense wasn't elected. They were appointed.

In fact, this contradicts what Congress has actually voted for. This includes some of the people complaining the loudest. Earlier this week, 37 Democratic Senators went on record in asking for the Department of Defense to go beyond the laws that they themselves have voted for. Now, in fairness, I would note that the chairman and Senator SCHUMER were not on that list of 37 Senators.

But the idea that more abortions make our troops safer and more lethal is absurd.

This has been a coordinated campaign to pressure me to lift these holds. That doesn't bother me one bit, and it is not going to work. Frankly, it is just going to make me do the opposite.

I am glad the majority leader is taking notes on these holds. If Democrats want to expand taxpayer funding for

abortion, then let's vote on it. I am ready to vote on it. The majority leader, the last time I looked, controls this floor. He can make it happen. And if these nominees are so important, then we can vote on them too.

So far this year, the Senate has already taken 24 days off. This is in addition to the 2-week recess in January and the 2-week recess which starts at the end of this week. I have only been here for 2 years, but I am told this is one of the slowest years in memory around here. I don't have anything to compare it to. Sometimes, we don't even vote until 5:30 on a Tuesday. People back home don't work those kind of hours, but they are expected to pay for what we are talking about.

Yet the Democrats are in a panic over the idea of taking more votes. I don't mind working full weeks. I worked all my life. I had a full-time job. I will stay here until hell freezes over. I am not going to be intimidated by a campaign of selective outrage.

Let me remind the chairman that I gave the Pentagon fair warning. I gave them fair warning. They chose to go forward with this policy.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter I sent to Secretary Austin on December 9, 2022.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 9, 2022.

Hon. LLOYD J. AUSTIN III,  
U.S. Department of Defense,  
Washington DC.

SECRETARY AUSTIN: Your October 20, 2022 memo directing the Department of Defense to explore increasing access to reproductive health care will have broad ramifications for the department's readiness, manpower, and budget. On Wednesday, December 7, my staff received a brief from the (acting) Assistant Secretary of Defense for Health Affairs and learned that you plan to implement these changes by year's end. The brief also revealed estimates of how your plan will expand the number of abortions subsidized by the DoD. The estimates are as exponential as they are immoral.

The department's authorities to provide for or fund abortions are governed by 10 U.S.C. §1093 which limits these to cases of rape, incest, or pregnancies that threaten the life of the mother. For years, the department has averaged less than 20 abortions per year. The brief revealed the policy intentions put forth in your October 20 memo, "Ensuring Access to Reproductive Health Care," would increase DoD-subsidized abortions by as much as 4,100 per year. That estimate does not include dependents, which your policy also intends to cover, who might seek assistance in obtaining an abortion.

This vast expansion of DoD-subsidized abortions is made worse by how your plan will provide unrestricted access to abortion. As six states and the District of Columbia have no abortion restrictions, your policy would force taxpayers to finance access to abortions without protections other states have duly enacted such as waiting periods and prohibitions on late-term abortions. Like me, many Americans find such abortions morally repugnant.

When questioned on these issues, the department could not provide analysis or estimates of how this policy change will impact

its budget, readiness, and manpower. It is irresponsible to push forward with such a controversial change to department policy without thorough due diligence on how this will impact the readiness of the force.

Lastly, it is my conviction that this proposed policy change is illegal, circumvents Congress, and exceeds your authority. Should you implement these proposed changes to the department's abortion policies, I will place a hold on all future DoD civilian and general/flag officer nominations.

Sincerely,

TOMMY TUBERVILLE,  
United States Senator.

Mr. TUBERVILLE. Now, I didn't want to do this, and I told the Department of Defense that. I told the people who were in charge of all the nominations.

This was the Biden administration's choice, and I am going to keep my word. And because of that, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Rhode Island.

Mr. REED. Mr. President, first of all, the notion that we can simply start confirming these officers is patently absurd. There are 184 nominations that are on hold now. We anticipate another 650 general and flag officer nominations throughout the remainder of this year.

Because we get very little cooperation—in fact, none at all—from the Republicans, we average about three nominations a week—Senator DURBIN knows this well—because we have to wait, during quorum calls, to exhaust the hours necessary before we can take the final vote. So we would be working many months, just on this batch of 184, to confirm these officers. And then when we add 650 additional nominations—and they will keep coming and coming—that is absolutely preposterous. It is impossible. So that is not an answer to the problem.

He mentioned Senator DUCKWORTH. Senator DUCKWORTH held nominations for 3 weeks. She was not trying to change the policy of the Federal Government under the Trump administration. She wanted factual information whether President Trump had had politicized the military by interfering with Colonel Vindman's promotion. That is the exact opposite of what the Senator from Alabama is doing. He is holding everybody's nomination as a political action, just like President Trump was trying to do with Colonel Vindman, as reciprocation and as retaliation.

We had a hearing on recruitment at the request of the minority. What are the issues there? The issues are that we have a 3-percent unemployment rate. One of the most significant issues facing the military services is the low percentage of individuals who are eligible and interested in military service.

The issue of whether or not this policy affects recruiting, I think, was refuted by the Senator when he has indicated that he expects 4,000 people to take advantage of this policy. Well, that is not a trivial number. And I would suspect women considering the

military would think hard, regardless of their moral position. They would not like to be in a place where they cannot get access to reproductive care. Twenty percent of the military are women. It is going to have an effect on women. Just look at the polling across the United States about *Roe v. Wade* versus the *Dobbs* decision, and I think you will find that there is a significant number of women who are concerned.

So this is very simple. We are either going to politicize and completely ignore military nominations, using military officers as hostages for political decisions, or we can return to tradition and confirm expeditiously. And one final point, this issue will be considered in the usual order because during the Armed Services Committee markup, I presume there will be amendments on both sides that will be considered fairly, and this issue will be addressed, as it should be, in the context of the National Defense Authorization Act.

What the Senator of Alabama is doing is damaging the military of the United States, perhaps catastrophically, if he continues this policy for many more weeks. That is not appropriate.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I am here to stand in support of my friend and colleague from Alabama, Senator TUBERVILLE, as he stands in opposition and raises his legitimate objections, which I share, to the Department of Defense's plan to use Federal funds to facilitate the performance of abortions.

Look, there has long been among the American people a pretty widespread supermajority of Americans—Republicans and Democrats making up that supermajority—who say, regardless of how they as individuals feel about abortions, they don't want U.S. taxpayer dollars going to fund or facilitate abortions. That overwhelming supermajority preference for that is reflected in legislation that Congress has enacted, codified in 10 U.S.C., section 1093.

So what has happened here is the Department of Defense has very cleverly disguised and very cleverly meandered around that so to technically comply with that statute. Instead of funding abortions and performing them on Federal facilities with Federal resources, they are facilitating, paying for the travel expenses—air, land travel, ground travel, meals—giving 3 weeks of leave in order to perform these. So they are still using Federal dollars to facilitate abortion, just in a way that is carefully gerrymandered around the text of 10 U.S.C., section 1093.

Now, I want to echo what Senator TUBERVILLE said a moment ago about Senator JACK REED. I have profound respect for him. I admire him as a Senate friend and colleague, as the chairman of the Armed Services Committee, as himself, somebody who has given enor-

mously to his country with his service through the military and otherwise.

I do want to respond to a couple of points that he made because I don't think they lead where Senator REED intended them to lead. He repeatedly described this as a civilian policy decision. Yes, this does embody a civilian policy decision, and it is a policy decision that is fundamentally legislative in nature.

Now, if he wanted this made, he could have easily come to Congress. The Congress, including the U.S. Senate, has long been deferential to the Department of Defense when they come to us and say: We need this or that. This will help us perform our mission to keep our Nation safe and protected from threats to our national security. We are a pretty generous bunch, especially when it comes to the DOD.

So why didn't they do that?

Well, I think they didn't do that—I know they didn't do that—for one simple reason: They knew that the answer would be no.

So, yes, the civilian policy decision—the last I checked, the organ, the branch, of the Federal Government that makes civilian policy decisions that affect the country—that bind the country with law—is this branch. We are the ones who get to set that. Now, sure. They are authorized to make a number of their own internal operating decisions; but whereas here, a policy is so blatantly at odds with the fundamental spirit of the Federal statute enacted into law, they have gone around us. They have carefully written it so as to gerrymander this policy around 10 USC 1093. They wanted nothing to do with us. What Senator TUBERVILLE is doing here is standing up for our prerogative as lawmakers.

Article I, section 1, clause 1 says:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

They want to go around that. I get that. But when they want to go around that and start doing our job, our prerogative is to tell them: It is going to take you a little longer to get some people confirmed.

While, yes, it would be very inconvenient if they had to go through the additional hoops—it is not impossible; they could do it; they could start; they could get a number of people confirmed—they are asking Senator TUBERVILLE to make it easy for them. They want to have their cake and eat it too. So if they want his cooperation, they need to respect the legislative prerogatives of the Senate for which he is standing today. I admire him for doing that and stand with him in this.

As far as not injecting politics—political decision making—into the Department of Defense itself, he has got that exactly backward. He is making a political decision overriding our prerogative to do that and then blaming us for the issue.

Finally, with regard to Senator REED's suggestion that we could deal

with this in the National Defense Authorization Act that is coming before the Senate in the coming months, I get the point. If he is serious about that, I would like to suggest something to Senator TUBERVILLE, and we can talk about this offline, perhaps after we vote. I suspect that if the Department of Defense wanted to really stand behind that, they could offer to suspend this regulation that they have issued—this policy memorandum they issued on February 16—until such time as we can debate it, discuss it, and work on it in the NDAA.

Look, let this be a message to Secretary Austin: If you want to make the laws, run for Congress; but you can't legislate from the E-Ring at the Pentagon. You cannot do that. Until then, stand down and leave the lawmaking to lawmakers.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, as a member of the Senate Armed Services Committee and as chair of the Readiness Subcommittee, I rise today deeply opposed to the dangerous posturing of my colleague from Alabama in playing with our national security. That is what it is coming down to.

In the Senate, we have a long history of bipartisan support for our armed services and our servicemembers. What is not usual is for one Member of the Senate to put a hold on hundreds of nominees—let's face it—for political and ideological reasons. I don't know how else you would characterize his actions.

So while we may disagree about military policy—obviously, we do—we have always kept the readiness of our forces above politics. Now the Senator from Alabama is intentionally politicizing our military. The Senators can stand there all they want and say they are not politicizing.

Oh, really? I beg to differ.

The Senator is blocking numerous promotions simply because he is upset that the DOD is doing its part to protect our servicemembers and address their needs. Our servicemembers who are women have a need to access appropriate reproductive care.

Now, this wasn't an issue before because—guess what—we didn't have a Supreme Court that upended almost 50 years of a constitutional right that women in this country had. Why is this important? Because we never had a *Dobbs* decision before. But now we have, and that is what we have to live with.

Because of the Senator's reckless posturing and unyielding stance, the promotions of more than 160 flag officers—men and women who have dedicated their lives to serving our country—are already being delayed, and these delays pose a grave and growing threat to our national security and the readiness of our troops. In the next several months, we are set to consider the

nominations of nearly half—nearly half—of the members of the Joint Chiefs of Staff, including the Chairman.

At a time when we face growing threats around the world, leaving these roles unfulfilled would have catastrophic consequences for our military and our national security. Just yesterday, Secretary Austin was before the Armed Services Committee, on which Senator TUBERVILLE and I both sit. Secretary Austin told us that “not approving the recommendations for promotions actually creates a ripple effect through the forces that makes us far less ready than we need to be.”

What is worse is that this hold is all because the Department of Defense is allowing servicemembers to access reproductive healthcare—something well within the Department’s authority. As a result, as I mentioned, of the Supreme Court’s disastrous Dobbs decision, nearly 80,000 women servicemembers—do you know what? If the Senator cares about recruiting and retaining servicemembers, how about wanting to retain and recruit female servicemembers?

So with this Dobbs decision, we now have 80,000 women servicemembers who are stationed in States where they can’t fully access reproductive care. To address this crisis brought on by the Supreme Court’s decision, the DOD adopted a commonsense policy to allow those servicemembers to travel to get the care they need.

To be clear, this policy does not cover the cost of abortions. We are not talking about taxpayer-paid abortions. It would be really great if we could just adhere to facts. The Senator says that this is really a roundabout way to pay for our abortions. No. This is a very direct way to meet the needs of our female servicemembers to get the healthcare and the reproductive care that they so plainly need.

Secretary Austin has said that the health of our servicemembers must be a top priority. Who can argue with that? I couldn’t agree more. I applaud Secretary Austin’s leadership on this issue, but, clearly, my colleague from Alabama is more concerned with pushing his ideological agenda than the realities our troops face.

Our servicemembers put their lives on the line for our country. They deserve better than to be used as political props. Frankly, this obsession that the Republicans have to have power and control over women’s bodies—what is up with that?

For the sake of our country and our troops, I urge my colleague from Alabama and my colleague from Utah to drop this dangerous crusade and confirm the military nominations en bloc.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I ask unanimous consent to have 30 seconds. I would love to respond to that point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEE. To the Senator from Hawaii, I would be happy—I would be thrilled—to accept that request, and I will accept it right now. I can’t speak for Senator TUBERVILLE, but I can speak for myself. I will absolutely accept that right now. Let’s get them all done. Get the Pentagon to lift this policy—to suspend it—until we can get it ironed out in the NDAA. I will agree to that right now. If this is as bad, as dire, as apocalyptic, dogs and cats living together in the streets, Book of Revelation stuff, as you describe it, then we should do that. But lift the policy. You can’t legislate from the E-ring of the Pentagon. We will stand up for our rights. And we must.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, we are going to be working on the NDAA, and I suggest to my colleague to go ahead and put an amendment—or whatever he wants—in the NDAA. Then let’s take a vote on whether or not this policy should stand.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 5 minutes.

Mr. BENNET. Mr. President, I appreciate so much the Senator from Hawaii’s perspective on this really important issue. And it is a really important issue.

I mean, there has been some discussion on the other side about how for 50 years, there has been a consensus in this Chamber about how we treat these issues, ignoring completely what the Dobbs decision has done to this country, which is to strip a 50-year constitutional right—to strip a 50-year constitutional freedom—from the American people. It is the first time since Reconstruction that a right has been stripped from the American people by the Supreme Court. It has been a 50-year crusade—an agenda by the allies of the people across this aisle to accomplish that.

It was a lot earlier today that I heard: Well, I didn’t learn that in law school, I didn’t learn that in law school, about the First Amendment in their debate about TikTok. Well, when I was in law school, that is when originalism was injected into the bloodstream of conservative legal thought in this country. It had not existed before. It was something that was invented by Justice Scalia when he was a law professor, and it was grabbed onto by a lot of people on the other side of the aisle to justify a deeply conservative view of economic history in America.

I would ask my colleagues to allow me to give the rest of my speech before they use profanity on the floor of the Senate to describe what I am talking about.

The PRESIDING OFFICER. The Senator will be in order. Members are asked to take their conversations off the floor.

Mr. BENNET. I thank the Presiding Officer.

I am not offended by that. I just think some of the people at home may not want to hear that kind of language on the floor of the Senate—but that is because they know what I am saying is true about originalism.

Because of their efforts and because they were able to elect Donald Trump, who was not actually read in on the joke, we ended up with three people on the Supreme Court who subscribe to that originalist view and who decided, following Justice Scalia, that if it were not a freedom in 1868, then it is not a freedom in 2023, even though it has been a freedom and a right for the last 50 years in this country.

So don’t come here and say that there was somehow a consensus here when that freedom and that right has been stripped from the American people by the Supreme Court.

To my colleague from Alabama, who has left the floor—by the way, just on that point, he has now twice misrepresented my actions on this floor. So I ask unanimous consent that this article from Politico, which my colleague from Alabama put in the RECORD the last time he was here, misrepresenting my record, be printed in the RECORD. I would like to put exactly the same article in the RECORD so people can actually see the truth of my record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATS STEP UP PRESSURE ON BIDEN TO REVERSE TRUMP’S DECISION ON SPACE HQ  
(By Connor O’Brien and Lee Hudson)

And one of the state’s senators is even seizing on the politics surrounding abortion and LGBTQ issues, arguing that sending the command from a blue state to a red one takes away the rights of service members.

Sen. Michael Bennet (D-Colo.) “has raised the issue of reproductive health care access in his conversations about the Space Command basing decision,” said one congressional aide, who asked for anonymity to discuss private conversations between Bennet and the Pentagon.

The senator, the aide added, “has serious concerns about the impact that abortion ban laws have on readiness and our national security.”

It’s the latest turn in a saga that’s dragged on for three years after Trump personally directed the Air Force to choose Redstone Arsenal in Huntsville, Alabama, as the command’s permanent headquarters. Alabama and Colorado were the two finalists in the Air Force’s search.

The decision, if given the final signoff by the Biden administration, would uproot the fledgling command from its current location at Peterson Space Force Base in Colorado Springs. Since the original decision, members of Colorado’s delegation in both parties have decried the move to a Trump-friendly state as political favoritism that will delay the organization from achieving full operating status.

“I haven’t found any Democratic senator who thinks it’s a good idea to allow a precedent to stand that encourages politics to overrule the judgment of our military command,” Colorado Sen. John Hickenlooper said in an interview.

The Biden White House vowed to reassess the choice after lawmakers blasted the basing decision. The Air Force secretary must



still determine whether to follow through with Trump's decision or keep the command in Colorado.

The Air Force was expected to announce a final decision at the end of 2022, but the deadline passed with no ruling.

"We don't have anything new on the decision timeline," the service said in a statement. The service declined to say why a choice has not been made.

Lawmakers on both sides of the argument say they're in the dark on when the Air Force might finally make a call, but both states' delegations have said they believe they will prevail.

"I do think the delay is, in my view, a positive thing," said Rep. Jason Crow (D-Colo.). "My read of that is that the administration is taking a harder look and a fresh look at it and revisiting certain elements of the decision. That's what I hope they're doing."

The commander, Gen. James Dickinson, has said Space Command won't be fully operational until the final basing decision is made.

#### PROS AND CONS

U.S. Space Command was restarted by the Trump administration in 2019 as it sought to emphasize the importance of the military's space mission, coinciding with the creation of the Space Force. Space Command, which oversees the operations of military space assets and defending satellites, had been its own outfit since the 1980s, but was folded into U.S. Strategic Command following the creation of Northern Command in 2002.

Colorado Springs and Huntsville were two of six finalists selected by the Air Force in late 2020 for the permanent headquarters. The list included military installations in Florida, Nebraska, Texas and New Mexico.

Colorado lawmakers contend permanently keeping Space Command in its temporary home is more efficient and will ultimately prove better for national security because it will be near Northern Command and North American Aerospace Defense Command.

With a large military space presence already in the state, Colorado's leaders argue that politics alone was the deciding factor in the Trump administration selecting Alabama.

They point to comments Trump made after leaving office boasting that he made the call to move Space Command.

"I hope you know that. [They] said they were looking for a home and I single-handedly said 'let's go to Alabama.' They wanted it. I said 'let's go to Alabama. I love Alabama.'" Trump said on an Alabama-based radio show in August 2021.

Alabama's almost entirely GOP delegation says Huntsville—dubbed Rocket City because of the large aerospace industry presence there—checks all the boxes for the new command.

The Pentagon visited each of the six prospective headquarters sites between Dec. 8, 2020, and Jan. 7, 2021, where experts gathered data and refined cost estimates. Those cost estimates were not released publicly, according to the Defense Department's inspector general.

"Democrats said it was political, but the best place to put it is in Huntsville," Sen. Tommy Tuberville (R-Ala.) said in an interview.

"The only reason you would leave it in Colorado is because that's where it's at right now," Tuberville said. "But we need to make sure it's in the right spot. We have the missile defense. We have Redstone Arsenal, NASA. You name it, we got it."

Since a headquarters decision was announced in January 2021, both the Defense Department IG and the Government Ac-

countability Office released reports that questioned whether the selection process was adequate.

DoD IG found the Air Force base analysis that was conducted under the Trump administration's direction "complied with law and policy" when selecting Alabama as the headquarters location, while the GAO asserted the service's base location analysis had "significant shortfalls in its transparency and credibility."

Neither report determined whether Trump meddled in the decision.

Both oversight groups agree a resolution was reached during a White House meeting with high-ranking officials on Jan. 11, 2021.

Meeting attendees included the former president and top Pentagon leaders who have since left—the acting defense secretary, the vice chair of the Joint Chiefs, the Air Force secretary and the assistant secretary of the Air Force for installations, environment and energy.

Days before the meeting, the Pentagon received new information that if Colorado was selected the military could renovate a building instead of having to construct a new one to house the new headquarters.

But the Space Force did not deliver an updated estimate to Air Force officials ahead of the White House meeting, according to GAO.

The Pentagon is keeping the cost estimates private and are not included in the GAO report because the information is designated as "sensitive and privileged."

Opting for renovation instead of new construction would allow for the command to reach full operational much sooner than the estimated six years.

In interviews with the GAO, the head of Space Command, the top Space Force general, and the former vice Joint Chiefs chair, all said they conveyed in the meeting that the headquarters should remain in Colorado because that was the best way to reach full operational capability as quickly as possible.

Bennet echoed the same concerns during a speech on the Senate floor this month.

It is important the Biden administration not ratify "a political decision that was made in the last few days of the Trump administration," Bennet said, referring to the former president dismissing the counsel of Pentagon officials who recommended the headquarters remain in Colorado.

Bennet underscored it is not only expected to be cheaper and faster to keep Space Command in Colorado, but the military would not have to worry over the number of civilian workers who won't opt to move to Alabama. Roughly 60 percent of the Space Command workforce are civilians, he said.

"Decisions of this importance shouldn't be made this way. It should be in the interest of our national security. And the Biden administration has the opportunity to restore the integrity of this process," Bennet said.

#### RENEWED FIGHT

The Colorado delegation fought the move when it was initially announced, but had gone quiet in the following months. They rekindled their efforts last month when Hickenlooper and Bennet were the only Democrats to join Republicans in opposition to the confirmation of Brendan Owens, the nominee to oversee facilities and energy programs at the Pentagon. The pair said they opposed him because the Pentagon had brushed off their efforts to meet with Austin to discuss Space Command.

Owens was still confirmed despite most Republicans also opposing him.

Bennet also threatened to hold up other nominees to secure a meeting with Austin. Hickenlooper and Bennet met with Austin to discuss the decision on Jan. 26, though no resolution was reached.

"He's got a lot on his plate, so he wasn't versed in the details of the issue," Hickenlooper said. "But he listened very thoughtfully and I think he took it very seriously."

But Bennet continued to press the issue. A spokesperson said Bennet placed a hold on Ravi Chaudhary, Biden's nominee to oversee Air Force installations. He dropped the hold this month after meeting separately with Chaudhary and Air Force Secretary Frank Kendall where he "reiterated his longstanding concerns" with the basing decision. The behind-the-scenes maneuvering has not been previously reported.

Some opponents are also highlighting how the climate in the U.S. has changed since an initial decision was made in January 2021. Many Democrats are unsettled by moving service members from a blue to a red state after the Supreme Court dealt a blow to abortion rights last year.

With the end of nationwide federal protections for abortion, many Democrats have raised the impacts on troops stationed in states where the procedure is now banned or significantly limited. Bennet has publicly raised similar concerns in the proposed Space Command move.

"I'm deeply concerned about how the Dobbs decision and state abortion bans will affect Space Command's workforce and readiness if the command leaves Colorado," Bennet said in a statement to Military.com in August.

Another driver for the Biden administration to keep the headquarters in Colorado and not move to a conservative state are rights for LGBTQ people.

"It's hard not to think about the dramatically more hostile environment in Alabama when it comes to reproductive rights and LGBTQ+ rights," said one Democratic aide. "It'll mean many of the civilians who work for Space Command may not move with it. And service members will be forced to move somewhere where they'll lose those rights."

Though both Tuberville and Hickenlooper downplayed the role the Supreme Court decision would play in the basing move, the impact on troops has been in focus after the reversal of abortion protections under *Roe v. Wade*.

Even Austin, who is usually not outspoken on political issues, moved to shore up troops' access for abortion. He issued a memo in October directing the Pentagon to pay for service members to travel costs for abortions, though not for the procedure itself, arguing the "practical effects of recent changes" in laws will hurt military readiness.

Formal policies issued this month cover travel costs for obtaining abortions as well as administrative leave, as many troops are stationed in states where the procedure is now illegal.

Tuberville was among the GOP lawmakers who slammed the move. He vowed to hold up civilian Pentagon nominations as well as top military promotions over the new policy.

The issue, however, isn't purely about red states vs. blue states. If Space Command doesn't move to Alabama, the headquarters will remain in reliably conservative Colorado Springs. The area and its military assets are represented by Republican Doug Lamborn, who chairs the House Armed Services Strategic Forces subcommittee. Lamborn has also criticized the move as one of political favoritism over national security needs.

The state's other two Republican House members, Reps. Ken Buck and Lauren Boebert, have also protested the decision and signed several letters with Democrats arguing to keep the command in Colorado.

Yet if the Biden administration decides to reverse the earlier decision, it could open



itself up to criticism that it's making a political call, just like the Trump White House. A reversal also would draw push back from Alabama's delegation, including Rep. Mike Rogers, who has new tools at his disposal as the House Armed Services Committee chair.

In the meantime, Alabama lawmakers are confident the Trump administration's decision will be upheld.

"Nobody's saying, but they've done several more reviews on it in the last two years," Tuberville said of the final decision. "And we've pretty much passed all the tests."

Mr. BENNET. I want to thank—he is gone—the Senator from Alabama for finding an article about me in Politico because it is so seldom that any article is written about me. I am grateful that he has called attention to it. He is not here for me to say thank you for that.

But he is now on the floor, doing something that no Senator has ever done—holding up every single flag officer's promotion in this country—180 of them or so, now maybe 600 of them. We have the head of the Seventh Fleet and the head of the Fifth Fleet. These are vital offices that he is holding up.

He just said: We have got enough generals. We have enough generals.

Why is he doing it? Why is he doing it? He is doing it because he is offended by a regulation that the Department of Defense has promulgated in the wake of the Dobbs decision of reversing *Roe v. Wade*—stripping the American people of this fundamental right, stripping the American people of this fundamental right. In the wake of that, the Secretary of Defense had the nerve to say: If you are serving—through no decision that you have made—in a State like Alabama which banned abortion and you have to travel to another State to get an abortion, we will pay for that travel—travel.

If you need a little bit of extra time, the regulations say, before you go to your commanding officer and tell them that you have to have a medical procedure, like abortion, it gives you a little extra time to do that.

The third thing it does is that it says that if you have to leave the State of Alabama because you can't have access to abortion there, then you don't have to use paid leave.

Those are the three things this rule does. I am coming to an end, Mr. President. That is all it does. That is all it does.

In his world, he would like to have a place where people did not have their travel paid for, they had to use their paid leave, and they had to tell their commanding officer immediately. That is the America he wants to live in because he lives in a State—

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BENNET. I would ask the Senate for 30 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. Thank you.

He is entitled to his opinion, certainly, and the State of Alabama has a totally different approach to a wom-

an's right to choose than Colorado does, and I respect that even though we differ. But in Alabama, there are no exceptions for rape or incest. In Alabama, if you are a doctor who has committed an abortion, you could go to jail for 99 years. In Alabama, they are trying to say that those women who use chemicals that many women use—

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BENNET.—to end their abortion—all we are saying is—

Mr. CORNYN. Regular order.

Mr. BENNET.—we need to recognize what has happened since Dobbs, and we need—

Mr. CORNYN. Regular order.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

H.J. RES. 7

Mr. MARSHALL. Mr. President, I rise today in support of H.J. Res 7, a bill that will immediately terminate the COVID-19 national emergency declaration.

Over a year ago, this body voted to end the COVID national emergency declaration. Actually, it has been a year and 26 days ago. Then, it was just 5 months ago that this body voted for a second time to end the COVID national emergency with an overwhelming bipartisan vote of 61 to 37. Today, we hope the third time is the charm, that the rumors are true that the President will finally sign this legislation and end this chapter of physical, mental, and financial strife seldom seen in our world's modern history.

Emergency powers are given to the executive branch so the Commander in Chief has the flexibility to quickly act in the event of a crisis. That declaration was appropriate in 2020, but now it is time for the proper constitutional checks and balances to be restored. It is time to end any and all authoritarian control and unilateral spending decisions without congressional consent.

Many, many Kansans have asked me, "What's the holdup, why is the White House waiting to end this emergency declaration?" Well, sadly, I have to tell them, because the emergency declaration has allowed the administration to justify increased spending and push harmful mandates.

Under this national emergency, we have seen a massive increase in government spending across the board. This spending over the past 2 years has resulted in the highest level of inflation Americans have encountered in 40 years. The gross Federal debt has increased by \$3.7 trillion—\$3.7 trillion—since this President took office, an increase of 12 percent. We sadly watched as interest rate hikes, combined with skyrocketing inflation, have raised the amount of debt many Americans hold and made almost everything cost more.

On top of all of this, the authority granted to the President by this emer-

gency declaration has been the direct justification for the White House's efforts to cancel as much as \$20,000 in debt for Federal student loan holders—a plan that would cost taxpayers an additional \$400 billion.

We all understand what it means when politicians say: Never let a good crisis go to waste. But it doesn't stop there. With the national emergency in place, the administration also moved to mandate vaccines for private companies with 100 or more employees. If not halted by the courts, this massive Federal overreach would have forced millions of Americans to choose between the jab or their job.

Next, the White House tried to force healthcare workers, Federal employees, contractors, and even members of our military to receive the vaccine against their choice. Thankfully, these were also halted by the courts across the country.

These are the consequences of a 3-year emergency declaration. Take a good look at the decisions made under this prolonged, supersized government rule, and you will quickly understand why our Founding Fathers warned of this type of abuse of power when they authored the Constitution and made it a top priority to keep each branch of government in line with systems of checks and balances.

I come to the floor today hopefully for one last vote on terminating this declaration.

Is the emergency indeed over? Well, our President himself said as much in a September 2022 interview on CBS's "60 Minutes." I quote the President's direct words: "The pandemic is over."

Enough is enough. It is time to end this chapter and let Americans get back to their own lives.

I ask my colleagues to join me again in a strong bipartisan fashion in sending this resolution to the President's desk to end the national emergency declaration for COVID-19 once and for all today.

I yield the floor.

VOTE ON H.J. RES. 7

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. MARSHALL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Tennessee (Mr. HAGERTY), and the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 68, nays 23, as follows:

[Rollcall Vote No. 80 Leg.]

#### YEAS—68

Baldwin	Hassan	Paul
Bennet	Hawley	Peters
Boozman	Heinrich	Ricketts
Braun	Hickenlooper	Risch
Britt	Hoehen	Romney
Brown	Hyde-Smith	Rosen
Budd	Johnson	Rounds
Capito	Kaine	Rubio
Casey	Kelly	Schmitt
Cassidy	Kennedy	Scott (FL)
Collins	King	Scott (SC)
Cornyn	Klobuchar	Sinema
Cortez Masto	Lankford	Sullivan
Cotton	Lee	Tester
Cramer	Lujan	Thune
Crapo	Lummis	Tillis
Cruz	Manchin	Tuberville
Daines	Marshall	Vance
Durbin	Moran	Warner
Ernst	Mullin	Warnock
Fischer	Murkowski	Wicker
Graham	Murphy	Young
Grassley	Ossoff	

#### NAYS—23

Blumenthal	Markey	Schumer
Booker	Menendez	Smith
Cantwell	Merkley	Stabenow
Cardin	Murray	Van Hollen
Carper	Padilla	Warren
Duckworth	Reed	Welch
Gillibrand	Sanders	Wyden
Hirono	Schatz	

#### NOT VOTING—9

Barrasso	Feinstein	McConnell
Blackburn	Fetterman	Shaheen
Coons	Hagerty	Whitehouse

The joint resolution (H.J. Res. 7) was passed.

The PRESIDING OFFICER (Ms. HASSAN). The majority leader.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 73, Matthew P. Brookman to be United States District Judge for the Southern District of Indiana; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Matthew P. Brookman, of Indiana, to be United States District Judge for the Southern District of Indiana.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Brookman nomination?

The nomination was confirmed.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 15, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 15) authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 15) was agreed to.

#### AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 25, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 25) authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 25) was agreed to.

#### EXPRESSING DEEPEST CONDOLENCES TO AND SOLIDARITY WITH THE PEOPLE OF TÜRKIYE AND SYRIA FOLLOWING THE DEVASTATING EARTHQUAKE ON FEBRUARY 6, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that the Com-

mittee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 76.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) expressing deepest condolences to and solidarity with the people of Türkiye and Syria following the devastating earthquake on February 6, 2023.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of February 16, 2023, under "Submitted Resolutions.")

### RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, introduced earlier today: S. Res. 135, Osceola Turkey Day; S. Res. 136, AmeriCorps; S. Res. 137, Ombudsman Appreciation Day.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Madam President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

### MORNING BUSINESS

#### REMEMBERING JUDY HEUMANN

Mrs. MURRAY. Madam President, I rise today to recognize the life and legacy of disability rights activist, Judy Heumann. Today, I join so many touched by her advocacy in mourning her passing, remembering her life, and paying tribute to the contributions she made to the disability community.

Judy's activism began early in life. As a young child who contracted polio and used a wheelchair, she was denied the right to attend school in New York. Later in life, Judy was denied a teaching license after failing her medical exam due to "paralysis of both lower

extremities." She sued the Board of Education and went on to be the first teacher in New York State to use a wheelchair.

Judy served in various capacities throughout multiple Presidential administrations and was instrumental in the passage of groundbreaking legislation including the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and the Rehabilitation Act. She was the recipient of the Henry B. Betts Award, the Max Starkloff Lifetime Achievement Award, and was featured in numerous documentaries.

I had the honor of working with Judy throughout my time as ranking member and chair of the HELP Committee and seeing firsthand how committed she was to making our world more welcoming and accessible to everyone. Her tenacity was an inspiration to me, and I am grateful that I had the chance to learn from her and work alongside her to make this country more inclusive for all. Her work has improved the lives of so many across our country. She will be remembered fondly.

#### TRIBUTE TO BARB MALANY

Mr. DURBIN. Madam President, in 1995, Paul P. Harris, a Chicago attorney longing for a sense of community, formed the Rotary Club of Chicago. He envisioned an organization where local professionals could come together, share ideas, and form meaningful relationships. Today, what began as the Rotary Club of Chicago is now Rotary International, a community service organization of more than 1.2 million members with clubs on six continents.

Since 1943, Rotary International has selected up to 150 Rotarians each year as recipients of the Service Above Self Award, their highest individual honor for Rotary members. This award recognizes exceptional humanitarian service, with an emphasis on personal volunteer efforts to help and serve others. This year, Rotary International has selected an incredible teacher, businesswoman, humanitarian, and civic leader to receive its 2023 Service Above Self Award: central Illinois' own Barb Malany.

Born Barbara Bumgardner in Waco, TX, Barb's father served in the Air Force, which meant that Barb and her younger sister Sally never stayed at the same school for more than a few years. But through all of the moves and frequent change, Barb never neglected her studies. She began her college career in Munich, Germany, through an extension program through the University of Maryland. She finished her degree at the University of Illinois Urbana-Champaign, where she studied English and German, and met LeGrand "Lee" Malany, a physics student, and now her loving husband of 58 years. After completing her undergraduate education, Barb earned her master's degree in special education at the University of Illinois Urbana-Champaign.

From there, Barb set out to fulfill her lifelong calling: improving the lives of children and young people by teaching English special education to high school students. To this day, Barb serves as a full-time substitute teacher in Springfield, IL.

Aside from teaching, Barb also was a successful small business owner. For two decades, Barb and Lee owned and operated Flowers LeGrand and Gifts in downtown Springfield. Her shop was even designated Small Business of the Year by the Greater Springfield Chamber of Commerce. But her service to Springfield went far beyond flowers and gifts. Barb was a founding member and president of Downtown Springfield, Inc., a Main Street organization that helped spearhead the redevelopment of Springfield in the 1990s.

Barb's efforts earned her a commendation from the mayor of Springfield "for public-spirited and praiseworthy endeavors." And Barb never strayed too far from her lifelong commitment to helping young people. She used her business to extend internship and mentorship opportunities to young people, an effort that earned her Supervisor of the Year by Springfield School District 186.

Barb also has helped foster an enduring relationship between Springfield and Ukraine. Over the years, Barb has hosted three delegations of Ukrainians who visited Springfield. Thanks to Barb's advocacy, the relationship between Springfield and Ukraine has only grown stronger since Vladimir Putin's senseless invasion of Ukraine. Last year, Barb and other community leaders came together to show their support for Ukraine by setting up a blue and yellow light display at Springfield's Bicentennial Plaza and installing "Peace for Ukraine" banners in downtown Springfield.

But above all else, Barb's commitment to others shines brightest through her role as a foster parent. Her first foster child was one of her high school students who, late one night, was approached by a police officer. The officer offered to take him home, but the young student had to tell the police officer that he did not have a place to live. When the police officer asked if there was anywhere he could take him, the young student gave him Barb's name, knowing that he would be safe with her. Barb took the student in at 1 in the morning, became licensed as a foster parent the next day, and cared for the student as foster child until he finished school and went out into the world. This sparked a new chapter in Barb's life as a foster parent. Over a 20-year period, Barb fostered 17 children, changing their lives for the better, building trust, and showing firsthand what it means to live a life of service to others. Barb's compassion for young people in difficult situations has never waned, and she continues to serve as a foster parent.

So it comes as no surprise that Rotary International chose Barb as one of

this year's Service Above Self Award recipients. Barb is the third member of Rotary District 6460 to receive this distinguished honor. As an active Rotarian for more than 30 years, Barb was just the second woman in Springfield to become a Rotarian. She has been instrumental in shaping and growing Rotary District 6460's youth programs, inspiring students along the way. She has occupied every leadership role in District 6460's youth programs and has hosted more than 20 exchange students, fully immersing herself into their lives as a nurturing and supportive mentor. The bonds she has formed have resulted in lifelong friendships with her students.

Loretta and I congratulate Barb on receiving Rotary International's Service Above Self Award. And we thank Barb and her husband Lee for their many years of service to the central Illinois community, especially to our children and young people. Illinois is grateful for Barb's generosity, leadership, and service to others.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### S. 316

• Mr. COONS. Madam President, today I would like to talk about S. 316, a bill to repeal the authorizations for use of military force against Iraq. It is well past time to repeal the 1991 and 2002 AUMFs. Congress must reaffirm its constitutional authority over war powers, and this vote goes a long way toward asserting the way in which our leaders choose to wage war and use force. Iraq is now a key partner for the United States in the Middle East. I hope the vote today will not only affirm our cooperative and strategic relationship with the country, but also begin a new chapter in U.S.-Iraq bilateral relations. While I was unable to vote in person in its favor, I support the passage of this bill without amendment.●

#### ADDITIONAL STATEMENTS

##### 150TH ANNIVERSARY OF FAULKNER COUNTY, ARKANSAS

• Mr. BOOZMAN. Madam President, I rise today to recognize Faulkner County, Arkansas's 150th anniversary. Founded on April 12, 1873, Faulkner County has a rich history that is as diverse and vibrant as the rolling hills and farmland that make up its landscape. With the establishment of a railway station in the county seat of Conway, people started to settle in the area. Since then, thousands have come to know the area as home.

Named after the legendary Sandy Faulkner who was instrumental in the early development of Arkansas, Faulkner County has become a beacon of culture and community in the heart of The Natural State. From the official

state historic song, “Arkansas Traveler,” to the renowned Toad Suck Daze festival, Faulkner County has been proud to embrace its heritage and celebrate its unique identity.

With around 125,000 residents, Faulkner County is now the State’s sixth most populated county and home to a thriving economy that has enhanced the quality of life. In Conway, also known as the City of Colleges, students at the University of Central Arkansas, Hendrix College, and Central Baptist College enrich its social life and culture during the school year and long after graduation.

The county’s proximity to Little Rock and major transportation routes makes it an ideal location for industry and business, while Lake Conway and Cadron Creek provide ample opportunities for recreation and relaxation.

As we mark this historic milestone, we celebrate the generations of families, workers, and leaders who have made Faulkner County the wonderful place it is today. From the pioneering settlers who first carved out a life in this beautiful land, to the innovative businesses and industries that now call it home, Faulkner County has always been defined by its spirit of resilience and determination.

Congratulations to the entire community on the 150th anniversary. I applaud the Faulkner County Historical Society for planning celebrations for all to enjoy and commemorate this occasion. I look forward to continuing working with area leaders to support their vision for future growth.●

#### TRIBUTE TO ROBERT JOSEPH NUELLE

● Mr. SCHMITT. Madam President, today I rise in celebration of Robert Joseph Nuelle’s 95th birthday, who has and continues to live a life defined by service.

Born on April 7, 1928, in Jennings, MO, to Eugene and Sophie Nuelle alongside 11 siblings, Robert attended McBride High School in St. Louis. Following World War II, he chose to serve his Nation and enlisted in the U.S. Navy, the same path of his older brother Kenny. Both served as SeaBees. While serving, Robert was stationed in Pensacola, FL, and later served on a destroyer in the Korean war.

He played baseball for the Navy’s team, and in a very unforgettable moment, he had the opportunity to play with Major League Baseball Hall of Famer Ted Williams. And following his honorable discharge from the Navy, Robert played for the minor league affiliate of the Milwaukee Braves and played semi-pro baseball for another team. While an accident at work unfortunately ended his baseball playing career, Robert found success in other arenas.

Robert worked at Telegraphic Services, later renamed to TSI Graphics, a company that specialized in “Lino-Type,” which entailed printing books

using hot lead. While at TSI Graphics, Robert transformed the company by expanding their business to major publishers in New York and ensuring that the company operated as good corporate citizens. He retired in 1993.

Following his retirement, Robert became heavily involved in philanthropic efforts. He volunteered at Wings of Hope, a humanitarian aviation organization, serving as the charity’s chairman for their golf tournament alongside helping in the charity’s other efforts. Robert also became involved with Friends of Kids with Cancer, where he still volunteers to this day. He has been the chairman of their golf tournament, delivered food to kids going through chemotherapy, and aided in the charity’s mission, which is to support children going through cancer and their families. He still remains a cherished member of their organization. Robert also volunteers at a food pantry every Monday, undeterred by the pandemic.

Robert and his first wife, JoAnn, married in 1955 and moved to Creve Coeur, MO. They had two children, Robert, Jr., and Mark. JoAnn passed away in 2005 after 50 loving years of marriage. Robert was remarried to Peggy Hummert in 2009. Outside of public service, Robert plays golf every week, weather permitting, and enjoys spending time with his children and grandchildren.

Robert truly embodies sacrifice and service. Having served proudly in the military, spent his entire career at a single company, raised a loving family, and dedicated his retirement to philanthropy, he is a shining example of a great Missourian.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Roberts, one of his secretaries.

#### PRESIDENTIAL MESSAGES

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13664 OF APRIL 3, 2014, WITH RESPECT TO SOUTH SUDAN—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to

the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13664 of April 3, 2014, with respect to South Sudan is to continue in effect beyond April 3, 2023.

The situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, and obstruction of humanitarian operations, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.

Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13664 with respect to South Sudan.

JOSEPH R. BIDEN, Jr.  
THE WHITE HOUSE, March 29, 2023.

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13694 OF APRIL 1, 2015, WITH RESPECT TO SIGNIFICANT MALICIOUS CYBER-ENABLED ACTIVITIES—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13694 of April 1, 2015, with respect to significant malicious cyber-enabled activities, and with respect to which additional steps were taken in Executive Order 13757 of December 28, 2016, is to continue in effect beyond April 1, 2023.

Significant malicious cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared

in Executive Order 13694 with respect to significant malicious cyber-enabled activities.

JOSEPH R. BIDEN, JR.  
THE WHITE HOUSE, March 29, 2023.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-850. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program (NSEP) for fiscal year 2022; to the Select Committee on Intelligence.

EC-851. A communication from the Chief Human Capital Officer, Small Business Administration, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, Small Business Administration, received in the Office of the President of the Senate on March 28, 2023; to the Committee on Small Business and Entrepreneurship.

EC-852. A communication from the Executive Director of the National Women's Business Council, transmitting, pursuant to law, the Council's annual report for fiscal year 2022; to the Committee on Small Business and Entrepreneurship.

EC-853. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reimbursement for Emergency Treatment" (RIN2900-AQ08) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Veterans' Affairs.

EC-854. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Updating Presumptive Radiation Locations based on the PACT Act" (RIN2900-AR74) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Veterans' Affairs.

EC-855. A communication from the Regulation Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance Traumatic Injury Protection Program Amendments" (RIN2900-AQ53) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Veterans' Affairs.

EC-856. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled "Coast Guard Authorization Act for Fiscal Year 2023"; to the Committee on Commerce, Science, and Transportation.

EC-857. A communication from the Attorney-Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Civil Penalty Amounts 2023" (RIN2105-AF12) received in the Office of the President of the Senate on March 28, 2023; to the Committee on Commerce, Science, and Transportation.

EC-858. A communication from the Attorney for Regulatory Affairs Division, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant

to law, the report of a rule entitled "Safety Standard for Operating Cords on Custom Window Coverings" (Docket No. CPSC-2013-0028) received in the Office of the President of the Senate on March 28, 2023; to the Committee on Commerce, Science, and Transportation.

EC-859. A communication from the Attorney for Regulatory Affairs Division, Office of the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Non-Full-Size Baby Cribs" (Docket No. CPSC-2019-0025) received in the Office of the President of the Senate on March 28, 2023; to the Committee on Commerce, Science, and Transportation.

EC-860. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Research and Technology, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Commerce, Science, and Transportation.

EC-861. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Federal Aviation Administration, Department of Transportation, received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on Commerce, Science, and Transportation.

EC-862. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Marine Recreational Information Program: Response to National Academies of Sciences, Engineering, and Medicine 2017 Recommendations"; to the Committee on Commerce, Science, and Transportation.

EC-863. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "National Marine Fisheries Service: Response to National Academies of Sciences, Engineering, and Medicine 2021 Recommendations"; to the Committee on Commerce, Science, and Transportation.

EC-864. A communication from the Secretary of Transportation, transmitting proposed legislation entitled "To amend title 49, United States Code, to provide for young children to be seated adjacent to an accompanying adult passenger on aircraft, and for other purposes"; to the Committee on Commerce, Science, and Transportation.

EC-865. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Yuma, Arizona" (MB Docket No. 22-420) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-866. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FR: Airport Safety Management System" (RIN2120-AJ38) (Docket No. FAA-2010-0997) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-867. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-

off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 4048" ((RIN2120-AA65) (Docket No. 31473)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-868. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Take-off Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 4047" ((RIN2120-AA65) (Docket No. 31472)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-869. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace and Amendment of Class E Airspace; Selma, AL" ((RIN2120-AA66) (Docket No. FAA-2022-0922)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-870. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes; Amendment 39-22273" ((RIN2120-AA64) (Docket No. FAA-2022-1582)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-871. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes; Amendment 39-22353" ((RIN2120-AA64) (Docket No. FAA-2022-1573)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-872. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes; Amendment 39-22352" ((RIN2120-AA64) (Docket No. FAA-2022-1578)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-873. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes; Amendment 39-22354" ((RIN2120-AA64) (Docket No. FAA-2022-1580)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-874. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cirrus Design Corporation Airplanes; Amendment 39-22368" ((RIN2120-AA64) (Docket No. FAA-2023-0424)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-875. A communication from the Management and Program Analyst, Federal

EC-898. A communication from the Management and Program Analyst, Federal



Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39-22328" ((RIN2120-AA64) (Docket No. FAA-2022-1419)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

EC-899. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada Corp. Turbofan Engines; Amendment 39-22327" ((RIN2120-AA64) (Docket No. FAA-2022-1477)) received in the Office of the President of the Senate on March 14, 2023; to the Committee on Commerce, Science, and Transportation.

### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-5. A joint resolution adopted by the Legislature of the State of Alaska supporting oil and gas leasing and development within the National Petroleum Reserve in Alaska; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 34

Whereas, in 1923, President Warren G. Harding issued an Executive Order establishing Naval Petroleum Reserve No. 4 on the North Slope region to provide a potential supply of oil for the United States Navy; and

Whereas 42 U.S.C. 6501 (Naval Petroleum Reserves Production Act of 1976) redesignated Naval Petroleum Reserve No. 4 as the National Petroleum Reserve in Alaska and transferred responsibility for its administration to the Secretary of the Interior; and

Whereas the National Petroleum Reserve in Alaska encompasses 23,500,000 acres, with boundaries extending south from Icy Cape to the drainage divide of the Brooks Range, then following the divide eastward to 156 degrees west longitude, then north to the Colville River, and following the Colville River downstream to its mouth; and

Whereas the National Petroleum Reserve in Alaska falls entirely within the boundary of the North Slope Borough and includes the communities of Atkasuk, Nuiqsut, Utqiagvik, and Wainwright; and

Whereas, in 2017, the United States Geological Survey estimated there to be 8,700,000,000 barrels of recoverable oil and 25,000,000,000 cubic feet of recoverable gas reserves in the National Petroleum Reserve in Alaska; and

Whereas the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan and Environmental Impact Statement estimates potential annual government revenue, including local, state, and federal taxes and royalties, of \$730,000,000 to \$4,750,000,000 from oil and gas development in the National Petroleum Reserve in Alaska; and

Whereas the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan and Environmental Impact Statement estimates that the exploration, development, and production of oil and gas in the reserve could generate 3,600 direct jobs and 2,750 indirect jobs annually over a period of 30 years; and

Whereas state royalties from oil and gas development in the National Petroleum Reserve in Alaska are allocated to the National Petroleum Reserve in Alaska Impact Mitigation Fund, which is used to provide the local communities of Anaktuvuk Pass, Atkasuk,

Nuiqsut, Wainwright, Utqiagvik, and the North Slope Borough with grants to mitigate impacts related to oil and gas development; and

Whereas, in January of 2022, the Department of the Interior took action that would effectively revert management of the National Petroleum Reserve in Alaska to the 2013 National Petroleum Reserve in Alaska Integrated Activity Plan, removing 7,000,000 acres of the National Petroleum Reserve in Alaska from potential oil and gas development; and

Whereas the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan was developed in partnership with the North Slope Borough and in consultation with North Slope tribes and Alaska Native corporations and it included provisions that would have ensured future economic development opportunities for the North Slope region, allowed for community infrastructure needs to be considered in the National Petroleum Reserve in Alaska, and required that areas identified by local and Alaska Native entities be excluded from future leasing; and

Whereas the Arctic Slope Regional Corporation, the Inupiat Community of the Arctic Slope, and the North Slope Borough are all united in opposition to the Department of the Interior's reversion from the 2020 National Petroleum Reserve in Alaska Integrated Activity Plan to the 2013 National Petroleum Reserve in Alaska Integrated Activity Plan and have expressed concern that this reversion diminishes Alaska Native self-determination by ignoring the needs, concerns, and input of the local people who live, work, and subsist in and around the National Petroleum Reserve in Alaska; and

Whereas oil and gas development in the National Petroleum Reserve in Alaska has the potential to extend the life of the Trans Alaska Pipeline System and increase throughput, which has declined from a peak of 2,033,000 average barrels of oil a day in 1988 to 477,800 average barrels of oil a day in 2021; and

Whereas the failure of the Department of the Interior to consult with the Inupiat Community of the Arctic Slope and the Arctic Slope Regional Corporation before taking sweeping action violates Executive Order 13175: Consultation and Coordination with Indian Tribal Governments; and

Whereas oil and gas development in the National Petroleum Reserve in Alaska would strengthen national security and provide long-lasting benefits to the national economy by creating thousands of jobs nationwide, generating billions of dollars in government revenue, providing affordable energy to American consumers, and decreasing dependence on foreign energy; and

Whereas safe and responsible oil and gas exploration, development, and production has been demonstrated by over 50 years of activity on the North Slope region without adverse effects on the environment or wildlife populations; be it

*Resolved*, That the Alaska State Legislature urges the United States Department of the Interior, Bureau of Land Management, to maximize the area available for oil and gas leasing and development within the National Petroleum Reserve in Alaska while conserving and protecting valued fish, wildlife, subsistence, and cultural resources; and be it further

*Resolved*, That the Alaska State Legislature urges the United States Department of the Interior, Bureau of Land Management, when considering management activities related to the National Petroleum Reserve in Alaska, to take into account the long history of safe and responsible oil and gas development on the North Slope region and the enormous benefits that development of oil

and gas resources in the National Petroleum Reserve in Alaska would bring to local communities, tribal governments, the state, and the nation.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Kamala D. Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Deb Haaland, United States Secretary of the Interior; the Honorable Tracy Stone-Manning, Director, Bureau of Land Management, U.S. Department of the Interior; Thomas Heinlein, Acting Alaska State Director, Bureau of Land Management, U.S. Department of the Interior; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the U.S. Representative for Alaska, members of the Alaska delegation in Congress.

POM-6. A joint resolution adopted by the Legislature of the State of Alaska urging the United States Congress to repeal the Windfall Elimination Provision and Government Pension Offset of the Social Security Act; to the Committee on Finance.

#### SENATE JOINT RESOLUTION NO. 12

Whereas public employees, while employed by the State of Alaska or a political subdivision of the state that participates in the Public Employees' Retirement System of Alaska, are ineligible by law to earn Social Security credits; and

Whereas teachers, while employed by a school district that participates in the Teachers' Retirement System of Alaska, are ineligible by law to earn Social Security credits; and

Whereas provisions of the Social Security Act known as the Windfall Elimination Provision and the Government Pension Offset reduce the amount of social security benefits public employees and teachers might otherwise receive if they qualify for Social Security benefits; and

Whereas the Windfall Elimination Provision substantially reduces Social Security benefits earned by public employees and teachers; and

Whereas, in 2021, a Social Security benefit reduction by the Windfall Elimination Provision may be as much as \$498 a month for each recipient; and

Whereas the Government Pension Offset reduces Social Security spousal and survivor benefits for recipients of Social Security spousal or survivor benefits who also receive a benefit from a public employees' or teachers' retirement system; and

Whereas the Government Pension Offset may reduce the Social Security monthly benefit payment, for a current or former public employee or teacher who is eligible to receive a benefit, by an amount equal to two-thirds of the amount the public employee or teacher receives from a public employees' or teachers' retirement system each month; and

Whereas nothing in the relationship between the Public Employees' Retirement System of Alaska, the Teachers' Retirement System of Alaska, or similar public employees' or teachers' retirement systems and Social Security legally or financially justifies a policy of reducing the amount of Social Security benefits earned by public employees or teachers for military service, including civilian military service, or time worked in the private sector; and

Whereas the lowest-earning public employees and teachers are disproportionately and negatively affected by the Windfall Elimination Provision and the Government Pension Offset; and

Whereas public employees and teachers who reside in the state are disproportionately and more negatively affected, per capita, by the Windfall Elimination Provision

and the Government Pension Offset, than public employees and teachers who reside in any other state or territory in the United States; and

Whereas persons who are eligible to earn Social Security credits for work in the private sector or in active or civilian military service are deterred from becoming public employees or teachers by the negative effects of the Windfall Elimination Provision and the Government Pension Offset; and

Whereas the Windfall Elimination Provision and the Government Pension Offset impair the ability of state and local governments to recruit and retain public school teachers, police officers, firefighters, and other public employees; and

Whereas bipartisan legislation has been introduced in the 117th United States Congress to address the Windfall Elimination Provision and Government Pension Offset;

Be it *Resolved*, That the Alaska State Legislature urges the United States Congress to pass legislation eliminating the Windfall Elimination Provision and Government Pension Offset.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Kamala D. Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Xavier Becerra, United States Secretary of Health and Human Services; the Honorable Miguel Cardona, United States Secretary of Education; the Honorable Andrew Saul, Commissioner of the Social Security Administration; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the U.S. Representative for Alaska, members of the Alaska delegation in Congress.

POM-7. A memorial adopted by the House of Representatives of the State of Arizona supporting the enactment by the United States Congress of the Securing America's Land from Foreign Interference Act or similar legislation; to the Committee on Foreign Relations.

#### HOUSE RESOLUTION NO. 2002

Whereas, the United States Department of Agriculture reports that at the end of 2020, foreign investors held an interest in more than 37 million acres of United States agricultural land, with China's investment increasing from 13,720 acres in 2010 to more than 350,000 in 2020; and

Whereas, from 2009 to 2016, China's agricultural investments in countries around the world grew substantially; and

Whereas, Chinese investments in American property could provide the Chinese Communist Party with undue leverage over our nation's supply chains as well as access to sensitive national security information; and

Whereas, approximately 14 states have restrictions in place regarding the amount of private agricultural land that foreign interests may own, but the federal government has yet to enact any restrictions on foreign ownership of United States real estate; and

Whereas, as American farmers age and the amount of U.S. farmland changing hands increases in coming years, foreign land grabbing will become an even greater threat; and

Whereas, foreign investments in American farmland, particularly by the Chinese Communist Party, not only provide opportunities for espionage against our military bases and infrastructure but may also undermine our nation's food security; and

Whereas, in the last congressional session, several members of Congress introduced legislation known as the "Securing America's Land from Foreign Interference Act." These bills, S. 4703 and H.R. 3847, would require the United States President to take action to

prohibit members of the Chinese Communist Party from purchasing public or private real estate located in the United States; and

Whereas, it is imperative that Congress take action to prohibit our nation's top adversaries from purchasing land in the United States in order to protect our nation's food supply and national security. Therefore, be it

*Resolved by the House of Representatives of the State of Arizona:*

1. That the Members of the House of Representatives support the enactment of the Securing America's Land from Foreign Interference Act, or similar legislation, to prohibit the sale of United States land to foreign investors.

2. That the Secretary of State of the State of Arizona transmit copies of this Resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-8. A joint resolution adopted by the Legislature of the State of Alaska standing in solidarity with the people of Ukraine; condemning the illegal invasion of Ukraine; endorsing the sanctions and export controls directed at the Russian Federation by the United States government; urging the United States Congress and the President to consider measured and appropriate sanctions and actions; demanding the Russian Federation immediately stop all hostilities against Ukraine and withdraw from Ukrainian territory; and supporting the United States in urging the Russian Federation to immediately stop its assault on Ukraine; to the Committee on Foreign Relations.

#### SENATE JOINT RESOLUTION NO. 25

Whereas the post-war international security order led by the North Atlantic Treaty Organization (NATO), has relied on diplomacy, peace, and open communication over armed conflict to ensure prosperity and stability for over 1,000,000,000 people for more than 70 years; and

Whereas, on December 1, 1991, the Ukrainian people voted overwhelmingly to form a State independent from the Soviet Union, building a democracy and a thriving country grounded in the rule of law; and

Whereas the borders of Ukraine were subsequently universally recognized by the international community, including by the Russian Federation; and

Whereas, in 2014, pro-Western protests in Ukraine led to the resignation of authoritarian president Viktor Yanukovich, an ally of Vladimir Putin, and ushered in democratically elected leaders who have sought closer ties to the European Union and the United States; and

Whereas, contrary to the free will of the Ukrainian people in their pursuit of security, peace, and prosperity through closer ties to the European Union and the United States, the Russian Federation annexed territory from Ukraine in 2014 and instigated, supported, and supplied a deadly separatist war in Eastern Ukraine, particularly in the Donetsk and Luhansk provinces of Ukraine, destabilizing the region; and

Whereas the Russian Federation violated international peace and security agreements that sought a peaceful solution in Eastern Ukraine and instead amassed hundreds of thousands of troops on Ukraine's border; and

Whereas Vladimir Putin has now launched an unjust and illegal invasion of the peaceful nation of Ukraine; and

Whereas Russian soldiers are currently sweeping through the country, inflicting violence and terror on millions of civilians and destroying homes, businesses, and economic infrastructure; and

Whereas reports of civilian casualties call for ensuring humanitarian access and respect for human rights and the relevant provisions of international humanitarian law; and

Whereas Ukraine has been a bulwark against Russian military aggression in Europe, and Vladimir Putin has said that Russia's territory should extend to the historical boundaries of Imperial Russia, with possible intentions of threatening NATO allies with military force; and

Whereas Russia's aggression against Ukraine is a violation of Article 2, paragraph 4, of the United Nations Charter, which states that all member states shall refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations; and

Whereas Ukraine is a nation under siege, and the brutality of this unnecessary and violent war is an affront to both international law and common decency; and

Whereas the United States has galvanized the international community and our allies to impose the strongest possible sanctions on Russia and its financial institutions as a means to inhibit Russia's ability to finance and replenish arms for its war against Ukraine; and

Whereas the patriotism, perseverance, and tenacity the Ukrainian people have shown in defending their country is an inspiration to the entire world; and

Whereas Ukraine deserves the support of every American and the entire international community as it defends itself from this unprovoked Russian invasion, which is the largest attack by one state against another in Europe since World War II; be it

*Resolved*, That the Alaska State Legislature proudly stands in solidarity with the people of Ukraine during this horrific and unnecessary war; and be it further

*Resolved*, That the Alaska State Legislature condemns, in the strongest possible terms, Vladimir Putin's violent attack on the people of Ukraine; and be it further

*Resolved*, That the Alaska State Legislature strongly endorses the swift and severe economic sanctions and stringent export controls that the United States has imposed on Russia and urges the United States Congress and the President to consider measured and appropriate sanctions and actions; and be it further

*Resolved*, That the Alaska State Legislature supports the United States in urging Russia to immediately stop its violent, illegal, and immoral assault on Ukraine, end the needless bloodshed, completely withdraw its military forces from within Ukraine's internationally recognized borders, and return to diplomacy and the rules-based international order that has ensured peace and prosperity for so many, for so long.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Volodymyr Oleksandrovych Zelenskyy, President of Ukraine; Vladimir Vladimirovich Putin, President of the Russian Federation; the Honorable Kamala D. Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Kevin McCarthy, Minority Leader of the U.S. House of Representatives; the Honorable Charles Schumer, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Oksana Markarova, Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States; the Honorable Anatoly T. Antonov, Ambassador Extraordinary and Plenipotentiary of the Russian Federation to the

United States; members of the United Nations Security Council; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the U.S. Representative for Alaska, members of the Alaska delegation in Congress.

POM-9. A resolution adopted by the Senate of the State of California urging the President of the United States and the United States Congress to enact federal legislation that guarantees the right to reproductive freedom, including abortion and contraception; to the Committee on Health, Education, Labor, and Pensions.

#### SENATE RESOLUTION NO. 9

Whereas, January 22, 2023, marks the 50th anniversary of the United States Supreme Court's landmark decision in *Roe v. Wade* (1973) 410 U.S. 113, which affirmed the fundamental right to control reproductive decisions and decide whether to continue a pregnancy or obtain an abortion, which is an occasion deserving of acknowledgment; and

Whereas, *Roe v. Wade* was overturned by a 6-3 vote of the United States Supreme Court in *Dobbs v. Jackson Women's Health Organization* (2022) 597 U.S. — on June 24, 2022; and

Whereas, *Roe v. Wade* had been the cornerstone of one's ability to control their reproductive lives, affirming the right of anyone who could become pregnant in the United States to decide when and if to have children; and

Whereas, Abortion is a safe and common medical procedure and nearly one in four women in the United States will have an abortion by 45 years of age; and

Whereas, The Turnaway Study shows that denying people abortion creates economic hardship and insecurity that lasts for years and negatively impacts those people and their children; and

Whereas, Maternal death rates are 62 percent higher and perinatal death rates are 15 percent higher in states where abortion is restricted than in states with access to abortion and abortion bans disproportionately harm youth, people with low incomes, and communities of color; and

Whereas, As a result of the *Dobbs* decision repealing *Roe v. Wade*, 13 states have total abortion bans in effect and almost one-third of women and people who can become pregnant of reproductive age in the United States live in a state where abortion is not legal or is severely restricted; and

Whereas, With *Roe v. Wade* overturned, it is likely that abortion will be banned or severely restricted in 24 states, affecting more than 36 million women and even more people who can become pregnant; and

Whereas, Without the protections under *Roe*, there are no federal protections for patients and providers of sexual and reproductive health care from being criminalized for receiving or providing essential health care services; and

Whereas, The State of California stands in strong support of every individual's fundamental right to choose whether to continue a pregnancy; and

Whereas, Four years before *Roe v. Wade*, our state Supreme Court held that Californians have the fundamental constitutional right to procreative choice, a right that follows our state's recognition of the right to privacy in matters relating to marriage, family, and sex, in *People v. Belous* (1969) 71 Cal. 2d 954; and

Whereas, Our state Supreme Court recognized that while, at the time, there was no enumerated privacy right in either our or federal Constitution, the right to privacy was indisputably a fundamental right; and

Whereas, To further lay the groundwork to protect that right, California voters, in 1972,

one year before *Roe v. Wade*, passed a constitutional amendment to explicitly provide for the constitutional right to privacy; and

Whereas, In the immediate aftermath of the United States Supreme Court's devastating decision in *Dobbs v. Jackson*, the Legislature passed and the Governor signed a comprehensive package of legislation expanding, protecting, and strengthening access to reproductive health care, including abortions for all Californians and people seeking such care, in our state; and

Whereas, The Legislature passed Senate Constitutional Amendment 10 to put Proposition 1 on the November 2022 ballot; and

Whereas, The California voters overwhelmingly supported Proposition 1, and enacted a state constitutional right to prohibit the state from interfering with an individual's reproductive freedom in their most intimate decisions, which includes their fundamental right to choose to have an abortion and their fundamental right to choose or refuse contraceptives; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Senate urges the President of the United States and the United States Congress to enact federal legislation that guarantees the right to reproductive freedom, including abortion and contraception; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM-10. A joint resolution adopted by the Legislature of the State of Alaska encouraging the United States Congress to pass legislation granting the Hmong veterans of the Vietnam War access to the same veteran benefits received by United States veterans; to the Committee on Veterans' Affairs.

#### HOUSE JOINT RESOLUTION NO. 16

Whereas, beginning in 1960, the United States Central Intelligence Agency recruited thousands of Hmong people to fight against the Communist Pathet Lao and North Vietnamese Army regulars in Laos; and

Whereas, in July 1961, Brigadier General Edward G. Lansdale wrote in a memo to General Maxwell D. Taylor that about 9,000 Hmong tribesmen had been equipped for guerrilla operations and these operations were being conducted with considerable effectiveness in Communist-dominated territory in Laos; and

Whereas as many as 100,000 Hmong soldiers were recruited and trained as Special Guerrilla Units to engage the North Vietnamese Army; and

Whereas the United States relied heavily on the Hmong Special Guerrilla Units, although outnumbered by enemy forces, to intercept and prevent the flow of troops and war supplies along the Ho Chi Minh Trail; and

Whereas the Hmong soldiers conducted tactical guerrilla actions, flew thousands of deadly combat missions in support of the United States Armed Forces and the Central Intelligence Agency, and fought in conventional and guerrilla combat with an extremely high number of casualties; and

Whereas the Hmong soldiers protected United States personnel, guarded United States Air Force radar installations, gathered critical intelligence about enemy operations, and undertook rescue missions to save the lives of downed United States pilots; and

Whereas approximately 40,000 Hmong soldiers lost their lives defending democracy,

approximately 50,000 Hmong soldiers were seriously injured and disabled, and approximately 3,000 Hmong soldiers were missing in action; and

Whereas Hmong soldiers died at 10 times the rate of United States soldiers in the Vietnam War; and

Whereas, because the war effort of the United States in Laos was covert, the accounts of the sacrifices and service of the Hmong soldiers remain largely unknown; and

Whereas many Hmong soldiers became refugees because the United States government encouraged them to fight for the United States, and, as a result, thousands of family members of Hmong soldiers were evacuated to a United States air base in Thailand to avoid bloody vengeance by the communists in Laos and Vietnam; and

Whereas, after the conclusion of the Vietnam War, thousands of Hmong soldiers suffered acts of retribution and atrocities by the Pathet Lao and North Vietnamese, causing hundreds of thousands of Hmong refugees to flee to neighboring Thailand; and

Whereas approximately 50,000 Hmong veterans reside in the United States, and 150,000 Hmong and Laotian-born children have graduated from schools in this country; and

Whereas the Hmong warriors were promised that they would be treated just like other United States veterans; and be it

*Resolved* and be it that the Alaska State Legislature encourages the United States Congress to pass legislation granting the Hmong veterans of the Vietnam War full access to the same veteran benefits received by United States veterans.

Copies of this resolution shall be sent to the Honorable Joseph R. Biden, President of the United States; the Honorable Kamala D. Harris, Vice President of the United States and President of the U.S. Senate; the Honorable Denis McDonough, United States Secretary of Veterans Affairs; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Charles Schumer, Majority Leader of the U.S. Senate; the Honorable Kevin McCarthy, Minority Leader of the U.S. House of Representatives; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 117th United States Congress.

POM-11. A petition from a citizen of the State of Texas relative to enactment of federal legislation prohibiting federal officials from removing original documents from federal premises; to the Committee on Homeland Security and Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANCHIN, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources during the 117th Congress" (Rept. No. 118-6).

By Mr. SANDERS, from the Committee on Health, Education, Labor, and Pensions:

Special Report entitled "Report on Legislative Activities of the Committee on Health, Education, Labor, and Pensions, United States Senate, during the 117th Congress 2021-2022" (Rept. No. 118-7).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SMITH (for herself and Mr. GRASSLEY):

S. 1020. A bill to require the Administrator of the Economic Research Service to conduct research on consolidation and concentration in the livestock industry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRAUN:

S. 1021. A bill to prohibit the Export-Import Bank of the United States from providing financing to persons with seriously delinquent tax debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRAUN (for himself, Mr. GRASSLEY, and Ms. ERNST):

S. 1022. A bill to amend the Federal Water Pollution Control Act to modify the definition of navigable waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRAUN (for himself, Mr. TUBERVILLE, Mr. KENNEDY, Mr. ROUNDS, Mr. RICKETTS, and Mr. SCOTT of Florida):

S. 1023. A bill to establish an advisory committee to inform Congress of the impact of Waters of the United States regulations on United States agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOOKER (for himself, Mr. BLUMENTHAL, and Mr. SCHUMER):

S. 1024. A bill to authorize the Secretary of Health and Human Services to award grants to eligible entities to develop and implement a comprehensive program to promote student access to defibrillation in public elementary schools and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mrs. FEINSTEIN, Mr. KAINE, Mrs. MURRAY, and Mr. SCHATZ):

S. 1025. A bill to enhance the consideration of human rights in arms exports; to the Committee on Foreign Relations.

By Mr. MARKEY (for himself, Ms. DUCKWORTH, Ms. CORTEZ MASTO, Mr. KAINE, Ms. SMITH, Mr. CASEY, Mr. MURPHY, Mr. BOOKER, Mr. WELCH, Mr. CARPER, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. REED, Ms. WARREN, Ms. CANTWELL, Mr. WHITEHOUSE, Mr. WYDEN, Mr. MENENDEZ, Ms. KLOBUCHAR, Ms. HIRONO, Mr. DURBIN, Mr. SANDERS, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. GILLIBRAND, Ms. BALDWIN, and Mr. COONS):

S. 1026. A bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SULLIVAN:

S. 1027. A bill to require the imposition of sanctions with respect to the People's Republic of China if the People's Liberation Army initiates a military invasion of Taiwan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TESTER (for himself and Ms. MURKOWSKI):

S. 1028. A bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY (for himself, Ms. WARREN, and Mr. RUBIO):

S. 1029. A bill to prohibit data brokers from selling, reselling, trading, licensing, or otherwise providing for consideration lists of military servicemembers to a covered nation; to the Committee on Commerce, Science, and Transportation.

By Mr. CASEY (for himself, Mr. GRASSLEY, Ms. HASSAN, Ms. COLLINS, Ms. BALDWIN, and Ms. MURKOWSKI):

S. 1030. A bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH (for herself, Mrs. MURRAY, Ms. HIRONO, Mr. MERKLEY, Ms. WARREN, Mr. PADILLA, Mr. WHITEHOUSE, Mr. MARKEY, Ms. CORTEZ MASTO, Mr. FETTERMAN, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. BOOKER, Ms. STABENOW, Mr. WYDEN, Ms. KLOBUCHAR, Mr. CARDIN, Mr. BROWN, Mr. SANDERS, Ms. BALDWIN, Ms. CANTWELL, Ms. SMITH, Mr. MURPHY, Ms. ROSEN, Ms. HASSAN, Mrs. SHAHEN, Mr. BENNETT, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. WELCH, and Mr. HEINRICH):

S. 1031. A bill to ensure affordable abortion coverage and care for every person, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 1032. A bill to reform Federal Aviation Administration safety requirements for commercial air tour operators, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself and Mr. BUDD):

S. 1033. A bill to amend title 49, United States Code, to ensure certain projects related to natural hazards and emergency management are eligible for funding under the Federal Aviation Administration's airport improvement program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LUMMIS (for herself, Mr. KELLY, Mr. BOOZMAN, and Mr. TESTER):

S. 1034. A bill to amend title 23, United States Code, to establish a competitive grant program for projects for commercial motor vehicle parking, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BARRASSO (for himself, Mr. SULLIVAN, Mr. LEE, Ms. LUMMIS, Mr. CORNYN, Mr. TILLIS, Mrs. CAPITO, Mr. BRAUN, Mr. BUDD, Mr. HOEVEN, Mr. RUBIO, Mr. VANCE, and Mr. SCOTT of Florida):

S. 1035. A bill to prohibit funding for the Montreal Protocol on Substances that Deplete the Ozone Layer and the United Nations Framework Convention on Climate Change until China is no longer defined a developing country; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Mr. FETTERMAN, Mr. BLUMENTHAL, Mr. KELLY, and Ms. WARREN):

S. 1036. A bill to amend the Food and Nutrition Act of 2008 to streamline nutrition access for older adults and adults with disabilities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MORAN (for himself, Mr. BOOZMAN, Mr. CASSIDY, Mr. ROUNDS, Mr. TILLIS, Mrs. BLACKBURN, Mr. CRAMER,

Mr. TUBERVILLE, Mr. RISCH, Mr. CRAPO, Mr. DAINES, Mr. BRAUN, and Mr. SULLIVAN):

S. 1037. A bill to prohibit the Secretary of Veterans Affairs from carrying out certain activities under the Electronic Health Record Modernization Program until certification of system stability improvements; to the Committee on Veterans' Affairs.

By Mr. WELCH (for himself and Mr. MARSHALL):

S. 1038. A bill to amend title XIX of the Social Security Act to improve transparency and prevent the use of abusive spread pricing and related practices in the Medicaid program; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. MENENDEZ):

S. 1039. A bill to authorize the Administrator of the Federal Emergency Management Agency to terminate certain contracts on the basis of detrimental conduct to the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. CARPER, Mr. BROWN, Ms. HIRONO, Mr. WYDEN, Mrs. MURRAY, Mr. REED, Mr. BOOKER, Mr. BLUMENTHAL, and Mr. KAINE):

S. 1040. A bill to amend title 38, United States Code, to prohibit smoking on the premises of any facility of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself, Mr. SCHUMER, Mr. SANDERS, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Ms. CANTWELL, Mr. CASEY, Ms. DUCKWORTH, Mr. DURBIN, Mr. LUJÁN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. PADILLA, Mr. REED, Mr. SCHATZ, Ms. WARREN, and Mr. WYDEN):

S. 1041. A bill to amend the Fair Labor Standards Act of 1938 to establish a minimum salary threshold for bona fide executive, administrative, and professional employees exempt from Federal overtime compensation requirements, and automatically update such threshold each year, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ROSEN (for herself and Mrs. CAPITO):

S. 1042. A bill to require the Director of the Office of Entrepreneurship Education of the Small Business Administration to establish and maintain a website regarding small business permitting and licensing requirements, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BARRASSO (for himself, Mr. RISCH, Mr. LEE, Mr. CASSIDY, and Mr. HOEVEN):

S. 1043. A bill to amend the Energy Policy and Conservation Act to modify standards for water heaters, furnaces, boilers, and kitchen cooktops, ranges, and ovens, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for Mr. FETTERMAN (for himself, Mr. BROWN, and Mr. CASEY)):

S. 1044. A bill to improve rail safety practices and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. WARREN (for herself, Mr. HAWLEY, Ms. CORTEZ MASTO, and Mr. BRAUN):

S. 1045. A bill to amend the Federal Deposit Insurance Act to clarify that the Federal Deposit Insurance Corporation and appropriate Federal regulators have the authority to claw back certain compensation paid to executives; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO:

S. 1046. A bill to amend title 49, United States Code, with respect to apportionments for small airports under the Airport Improvement Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COTTON (for himself, Mr. GRAHAM, Mr. BRAUN, Mr. HAGERTY, Mr. KENNEDY, and Mr. LANKFORD):

S. 1047. A bill to provide that the Federal Communications Commission may not prevent a State or Federal correctional facility from utilizing jamming equipment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. KENNEDY, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mr. LEE, and Mr. BRAUN):

S. 1048. A bill to designate Mexican cartels and other transnational criminal organizations as foreign terrorist organizations and recognizing the threats those organizations pose to the people of the United States as terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. CASEY (for himself, Mrs. GILLIBRAND, Ms. WARREN, Ms. DUCKWORTH, Mr. BLUMENTHAL, Mr. MARKEY, Mr. WYDEN, Mr. SANDERS, Mr. WELCH, and Ms. SMITH):

S. 1049. A bill to ensure that older adults and individuals with disabilities are prepared for disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida (for himself, Mr. RUBIO, Mr. MARSHALL, and Mr. COTTON):

S. 1050. A bill to secure the bulk-power system in the United States; to the Committee on Energy and Natural Resources.

By Mr. BRAUN:

S. 1051. A bill to amend title 5, United States Code, to lower the standard for removing employees who disclose tax return information without authorization, and for other purposes; to the Committee on Finance.

By Mr. BRAUN (for himself, Ms. LUMMIS, and Mr. DAINES):

S. 1052. A bill to increase Government accountability for administrative actions by reinvigorating administrative Pay-As-You-Go; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself and Mr. CRAMER):

S. 1053. A bill to amend title 5, United States Code, to limit the use of taxpayer funded union time for employees of the Internal Revenue Service, and for other purposes; to the Committee on Finance.

By Mr. BRAUN:

S. 1054. A bill to reduce improper payments and eliminate waste in Federal programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MARKEY:

S. 1055. A bill to establish an airport infrastructure resilience pilot program; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. LEE, Mr. COONS, and Mr. WICKER):

S. 1056. A bill to give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with nonviolent drug offenses in Federal criminal cases; to the Committee on the Judiciary.

By Mr. RUBIO (for himself and Ms. WARREN):

S. 1057. A bill to require responsiveness testing of Defense Logistics Agency pharmaceutical contracts; to the Committee on Armed Services.

By Mr. REED (for himself and Mr. DURBIN):

S. 1058. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Mr. LUJÁN):

S. 1059. A bill to adjust the boundary of Big Bend National Park in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 1060. A bill to provide for congressional review of the imposition of duties and other trade measures by the executive branch, and for other purposes; to the Committee on Finance.

By Mr. CARDIN:

S. 1061. A bill to prospectively repeal the 2001 Authorization for Use of Military Force; to the Committee on Foreign Relations.

By Mr. KENNEDY:

S. 1062. A bill to amend the Food and Nutrition Act of 2008 to restore and standardize work requirements for able-bodied adults enrolled in the supplemental nutrition assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1063. A bill to amend title XIX of the Social Security Act to implement a minimum work requirement for able-bodied adults enrolled in State Medicaid programs; to the Committee on Finance.

By Mrs. CAPITO (for herself, Mr. MURPHY, Mr. MARSHALL, Ms. SMITH, Mr. SCOTT of Florida, and Mrs. GILLIBRAND):

S. 1064. A bill to direct the Secretary of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. HOEVEN):

S. 1065. A bill to amend the Internal Revenue Code of 1986 to recognize Indian tribal governments for purposes of determining under the adoption credit whether a child has special needs; to the Committee on Finance.

By Mr. LANKFORD (for himself, Mr. BENNET, Mr. RISCH, and Mr. TILLS):

S. 1066. A bill to increase oversight of foreign direct investment in agricultural land in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BENNET, Mr. RUBIO, Ms. BALDWIN, and Mr. BRAUN):

S. 1067. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to citizen petitions; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. BALDWIN (for herself, Mrs. CAPITO, Mr. CASSIDY, Mr. CRAPO, Mr. RISCH, Mr. DAINES, Ms. ROSEN, Mr. TESTER, and Ms. MURKOWSKI):

S. Res. 133. A resolution honoring the 30th anniversary of the National Guard Youth Challenge Program; to the Committee on Armed Services.

By Mr. SCHATZ (for himself and Mr. WYDEN):

S. Res. 134. A resolution supporting the goals and ideals of the Rise Up for LGBTQI+ Youth in Schools Initiative, a call to action to communities across the country to demand equal educational opportunity, basic civil rights protections, and freedom from erasure for all students, particularly LGBTQI+ young people, in K-12 schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT of Florida (for himself and Mr. RUBIO):

S. Res. 135. A resolution designating March 18, 2023, as "National Osceola Turkey Day"; considered and agreed to.

By Mr. CASSIDY (for Mr. COONS (for himself, Mr. CASSIDY, Mr. HEINRICH, Mrs. CAPITO, Mr. REED, Mr. VAN HOLLEN, Mr. BENNET, Mrs. SHAHEEN, Mr. KING, Mr. BROWN, Mr. MANCHIN, and Ms. COLLINS)):

S. Res. 136. A resolution recognizing the contributions of AmeriCorps members and alumni and AmeriCorps Seniors volunteers to the lives of the people of the United States; considered and agreed to.

By Ms. CANTWELL (for herself, Mr. CRUZ, Ms. BALDWIN, and Mr. SULIVAN):

S. Res. 137. A resolution honoring the volunteers of the Coast Guard Ombudsman program on Ombudsman Appreciation Day; considered and agreed to.

By Mr. MERKLEY (for himself, Mr. KAINE, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PADILLA, and Mr. CARDIN):

S. Res. 138. A resolution highlighting the risks that environmental defenders face around the world and commending their role in defending human rights, combating climate chaos, and supporting a clean, healthy, and sustainable environment; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 113

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 113, a bill to require the Federal Trade Commission to study the role of intermediaries in the pharmaceutical supply chain and provide Congress with appropriate policy recommendations, and for other purposes.

S. 132

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 132, a bill to require a pilot program on activities under the pre-separation transition process of members of the Armed Forces for a reduction in suicide among veterans, and for other purposes.

S. 381

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 381, a bill to amend the Immigration and Nationality Act to include a criminal penalty and a ground of removability for financing the unlawful entry of an alien into the United States.

S. 414

At the request of Mr. TESTER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S.

414, a bill to amend title 38, United States Code, to improve and to expand eligibility for dependency and indemnity compensation paid to certain survivors of certain veterans, and for other purposes.

S. 444

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 444, a bill to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

S. 547

At the request of Mr. WHITEHOUSE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 547, a bill to award a Congressional Gold Medal, collectively, to the First Rhode Island Regiment, in recognition of their dedicated service during the Revolutionary War.

S. 552

At the request of Mr. RUBIO, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 552, a bill to extend duty-free treatment provided with respect to imports from Haiti under the Caribbean Basin Economic Recovery Act.

S. 610

At the request of Ms. SINEMA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 610, a bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

S. 685

At the request of Mr. LEE, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 685, a bill to close loopholes in the immigration laws that serve as incentives to aliens to attempt to enter the United States unlawfully, and for other purposes.

S. 686

At the request of Mr. WARNER, the names of the Senator from Maine (Mr. KING) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 686, a bill to authorize the Secretary of Commerce to review and prohibit certain transactions between persons in the United States and foreign adversaries, and for other purposes.

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. 686, *supra*.

S. 759

At the request of Mr. WARNOCK, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 759, a bill to authorize the National Detector Dog Training Center, and for other purposes.

S. 777

At the request of Mr. TESTER, the name of the Senator from South Da-

kota (Mr. ROUNDS) was added as a cosponsor of S. 777, a bill to increase, effective as of December 1, 2023, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 793

At the request of Mr. LUJÁN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 793, a bill to amend title XVIII of the Social Security Act to add physical therapists to the list of providers allowed to utilize locum tenens arrangements under Medicare.

S. 813

At the request of Ms. ERNST, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 813, a bill to direct the Secretary of Agriculture to amend regulations to allow for certain packers to have an interest in market agencies, and for other purposes.

S. 817

At the request of Ms. WARREN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 817, a bill to repeal title IV of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

S. 840

At the request of Mr. GRAHAM, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 840, a bill to protect the rights of the people of the United States under the Second Amendment to the Constitution of the United States.

S. 912

At the request of Mr. BARRASSO, the names of the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 912, a bill to require the Secretary of Energy to provide technology grants to strengthen domestic mining education, and for other purposes.

S. 942

At the request of Mr. CRUZ, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 942, a bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

S.J. RES. 21

At the request of Mr. CRUZ, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. CRAPO), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BUDD) were added as cosponsors of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

S.J. RES. 22

At the request of Mr. CASSIDY, the name of the Senator from Alaska (Mr.

SULLIVAN) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Waivers and Modifications of Federal Student Loans".

S. CON. RES. 8

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 106

At the request of Mr. RISCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 106, a resolution condemning Beijing's destruction of Hong Kong's democracy and rule of law.

S. RES. 107

At the request of Mrs. HYDE-SMITH, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 107, a resolution recognizing the expiration of the Equal Rights Amendment proposed by Congress in March 1972, and observing that Congress has no authority to modify a resolution proposing a constitutional amendment after the amendment has been submitted to the States or after the amendment has expired.

S. RES. 129

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. Res. 129, a resolution designating March 2023 as "National Women's History Month".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. CARPER, Mr. BROWN, Ms. HIRONO, Mr. WYDEN, Mrs. MURRAY, Mr. REED, Mr. BOOKER, Mr. BLUMENTHAL, and Mr. KAINE):

S. 1040. A bill to amend title 38, United States Code, to prohibit smoking on the premises of any facility of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1040

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROHIBITION ON SMOKING IN FACILITIES OF THE VETERANS HEALTH ADMINISTRATION.

(a) PROHIBITION.—

(1) IN GENERAL.—Section 1715 of title 38, United States Code, is amended to read as follows:



**“§ 1715. Prohibition on smoking in facilities of the Veterans Health Administration**

“(a) PROHIBITION.—No person (including any veteran, patient, resident, employee of the Department, contractor, or visitor) may smoke on the premises of any facility of the Veterans Health Administration.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘facility of the Veterans Health Administration’ means any land or building (including any medical center, nursing home, domiciliary facility, outpatient clinic, or center that provides readjustment counseling) that is—

“(A) under the jurisdiction of the Department of Veterans Affairs;

“(B) under the control of the Veterans Health Administration; and

“(C) not under the control of the General Services Administration.

“(2) The term ‘smoke’ includes—

“(A) the use of cigarettes, cigars, pipes, and any other combustion or heating of tobacco; and

“(B) the use of any electronic nicotine delivery system, including electronic or e-cigarettes, vape pens, and e-cigarettes.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by striking the item relating to section 1715 and inserting the following new item:

“1715. Prohibition on smoking in facilities of the Veterans Health Administration.”.

(b) CONFORMING AMENDMENT.—Section 526 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1715 note) is repealed.

By Mr. DURBIN (for himself, Mr. LEE, Mr. COONS, and Mr. WICKER):

S. 1056. A bill to give Federal courts additional discretion to determine whether pretrial detention is appropriate for defendants charged with non-violent drug offenses in Federal criminal cases; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1056

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Smarter Pretrial Detention for Drug Charges Act of 2023”.

**SEC. 2. RELEASE CONDITIONS AND DETENTION IN FEDERAL CRIMINAL CASES.**

Section 3142 of title 18, United States Code, is amended—

(1) by striking “(42 U.S.C. 14135a)” each place it appears and inserting “(34 U.S.C. 40702)”; and

(2) in subsection (e)(3)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively.

By Mr. REED (for himself and Mr. DURBIN):

S. 1058. A bill to protect airline crew members, security screening personnel, and passengers by banning abusive passengers from commercial aircraft flights, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

Mr. REED. Madam President, today I am introducing the Protection from Abusive Passengers Act, a bill that is aimed at eliminating the rash of violence and abuse that is occurring on commercial flights across the country. I am pleased to be joined in this effort by Representatives ERIC SWALWELL of California and BRIAN FITZPATRICK of Pennsylvania, who are introducing companion legislation in the other body. The goal of our bill is to send a clear signal that individuals who engage in serious abusive or violent behavior on an aircraft or at an airport security checkpoint will be banned from flying.

In the last few years, we have seen an extraordinary increase in the number of cases of violence and abuse against crewmembers and airline passengers. In 2022, the Federal Aviation Administration received 2,456 reports of “unruly passengers.” Those complaints led to 831 investigations, a record 567 enforcement actions initiated, and a historic \$8.45 million in proposed fines. That makes 2022 one of the most violent years in air travel since the FAA started tracking incidents in the mid-1990s, second only to 2021. While the numbers are trending down, we are still seeing some extraordinary dangerous and violent behavior.

In April 2022, the FAA proposed a record \$81,950 fine against a passenger who tried to open the cockpit door on an American Airlines flight from Dallas to Charlotte, struck and threatened multiple flight attendants, and continued to attempt to assault the crew and other passengers once restrained.

The FAA also proposed a \$77,272 fine against a passenger on a Delta flight from Las Vegas who “attempted to hug and kiss the passenger seated next to her; walked to the front of the aircraft to try to exit during flight; refused to return to her seat; and bit another passenger multiple times.”

Just this month, the Department of Justice reported the arrest of a passenger for allegedly attempting to open an emergency exit door while aboard a United Airlines flight from Los Angeles to Boston. During the incident, the passenger attempted to stab a flight attendant with a broken metal spoon, hitting the flight attendant on the neck area three times. Video of this disturbing assault went viral and was widely reported on.

In any setting, these actions would be shocking and unacceptable but on an airplane, such behavior also represents a danger to all passengers. Clearly, the existing regime of civil and criminal penalties have not been enough to deter this upsurge. We need to send a signal that such type of behavior will not be tolerated.

The Protection from Abusive Passengers Act would require the Transportation Security Administration to create and manage a program which bars passengers who are fined or con-

victed of abusive behavior and physical violence from flying. Transparency and notice will be provided to banned individuals, including guidelines for removal and opportunities for appeal. The bill would also permanently ban abusive passengers from participating in the TSA PreCheck or Customs’ Global Entry Programs.

The bill provides appropriate fairness and due process by ensuring that only individuals who have been assessed civil or criminal penalty for abusive and violent behavior will be included on a list of banned fliers. The bill also requires the TSA to explain how it will maintain its list of banned fliers, provide an explanation of how long an individual may be barred from flying based on the severity of the offense, and set guidelines for an individual to appeal and seek removal from the list of banned fliers.

I believe this bill strikes the appropriate balance of assuring fairness and transparency while sending a strong signal that violent and abusive behavior will not be tolerated. I am pleased that the bill is supported by both airline industry leaders and labor unions, including Air Line Pilots Association; Association of Flight Attendants, CWA; Association of Professional Flight Attendants; Transport Workers Union of America, AFL-CIO; Transportation Trades Department, AFL-CIO; Communications Workers of America, CWA; American Airlines; Delta Airlines; and Southwest Airlines. I hope that my colleagues will join me in supporting this important bill.

By Mr. CARDIN:

S. 1061. A bill to prospectively repeal the 2001 Authorization for Use of Military Force; to the Committee on Foreign Relations.

Mr. CARDIN. Madam President, the Senate today has finally voted to repeal two outdated and obsolete authorizations for the use of military force—those that launched two wars against the Iraqi Government of Saddam Hussein, enacted into law in 1991 and 2002.

Yet this is not the only action we must take to protect our national security. A third AUMF, which Congress enacted in 2001 in the aftermath of the 9/11 attacks on our country by the terrorist organization al-Qaida, is also outdated and ought to be repealed. This authorization was fully justified and necessary at the time, and I voted in favor of it.

It was sadly necessary to go to war in Afghanistan to remove the very real threat that al-Qaida posed from its sanctuary there.

But, as I have repeatedly argued in successive Congresses since 2014, this AUMF, too, is now obsolete. We ought to repeal it and replace it with a new AUMF that more accurately reflects the threats our country faces today.

Four Presidents from both parties have used the 2001 AUMF to target groups that did not even exist on 9/11/2001 in countries such as Yemen and

Somalia, far from the battlefield of Afghanistan. Presidents have used this AUMF in ways that those of us in Congress who voted for it could never have imagined 22 years ago.

Publicly available War Powers Resolution notifications that refer to the 2001 AUMF address more than 20 countries, including Afghanistan, Iraq, Syria, Yemen, Libya, Somalia, Niger, Philippines, Georgia, Djibouti, Kenya, Ethiopia, Eritrea, Turkey, Jordan, Lebanon, Cameroon, Chad, Nigeria, and Saudi Arabia.

The number of countries where the U.S. military has actually resorted to military action is smaller but not insignificant. Again based on War Powers Resolution notifications, the 2001 AUMF has been publicly cited as authorization for military activity in seven countries: Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Niger. No administration should continue to use the 2001 AUMF—that clearly and specifically is aimed at those who perpetrated the 9/11 attacks—as a blank check for war anywhere and anytime, and it is past time for Congress to take action.

In 2014 and 2015, President Obama relayed his intent to work with the Congress to repeal and replace the 2001 AUMF, at the time the United States was assembling the Coalition to Defeat ISIS, but we were not able to get it done.

Now, President Biden has reiterated the same intent. In the official Statement of Administration Policy on the bill we have passed today, the White House declared its support for passage of S. 316 and goes on to say:

Furthermore, President Biden remains committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework more appropriate to protecting Americans from modern terrorist threats. Toward that end, the Administration will ensure that Congress has a clear and thorough understanding of the effect of any such action and of the threats facing U.S. forces, personnel, and interests around the world.

So, in response to the invitation President Biden has extended to Congress to replace and repeal the 2001 AUMF, I am today introducing legislation that would prospectively repeal the outdated authorization—while providing enough time for both the executive and the legislative branches to agree on the most appropriate replacement. This legislation would sunset the existing AUMF in July 2025, 6 months into the next administration. So we will have adequate time to consult with the administration's national security professionals about the best way to do so.

This would also provide a framework for the necessary national debate about how to modernize our national security posture during the upcoming 2024 elections.

This is a pivotal moment. Congress must act to reassert its rightful role in war-making authorities, as set out in

article I of the Constitution. We must take action on all fronts. Having voted decisively to repeal the authorizations of 1991 and 2002 in legislation led by my able colleagues, Senator KAINE of Virginia and Senator YOUNG of Indiana, we now need to move with dispatch to repeal and replace the 2001 authorization. It is a responsibility that we must assume to protect our national security in today's context.

I look forward to moving on this initiative as soon as possible in this session of the 118th Congress.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 133—HONORING THE 30TH ANNIVERSARY OF THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

Ms. BALDWIN (for herself, Mrs. CAPITO, Mr. CASSIDY, Mr. CRAPO, Mr. RISCH, Mr. DAINES, Ms. ROSEN, Mr. TESTER, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 133

Whereas the National Guard Youth Challenge Program (referred to in this preamble as the "Youth Challenge Program") is celebrating 30 years of providing successful and free alternative education and structured discipline to at-risk youth between the ages of 16 and 18;

Whereas the Youth Challenge Program was born from the visionary concept of using a "whole person" intervention model to combat the effects of gangs, violence, high rates of school dropout, and drug abuse on a generation of youth;

Whereas the Youth Challenge Program is a federally and State-funded program that offers a unique opportunity for at-risk youth to change course at a critical time in life;

Whereas the multiphased Youth Challenge Program uses quasi-military discipline and training, coupled with educational instruction, learning, and mentorship, to promote the character development and resilience of at-risk youth;

Whereas one phase of the Youth Challenge Program is a 5½-month residential program that focuses on the following 8 core components: life-coping skills, leadership and followership, service to community, job skills, academic excellence, responsible citizenship, health and hygiene, and physical fitness;

Whereas another phase of the Youth Challenge Program is a 12-month mentoring phase that builds on the 8 core components to help shape youth into productive citizens ready for societal success;

Whereas there is now an optional fifth phase of the Youth Challenge Program called Job Challenge, in which Youth Challenge Program graduates under the age of 21 years old can pursue in-demand job certifications;

Whereas the Youth Challenge Program offers more than 8,000 cadets annually an opportunity to succeed outside of a traditional high school environment;

Whereas there are currently 39 Youth Challenge programs operating in 28 States, Puerto Rico, and the District of Columbia;

Whereas more than 200,000 cadets have graduated from the Youth Challenge Program;

Whereas more than 184,000 academic credentials have been awarded under the Youth Challenge Program; and

Whereas graduates of the Youth Challenge Program have improved physically and mentally and are poised to become assets to the communities of the graduates and to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that the National Guard Youth Challenge Program has been successfully helping at-risk youth for 30 years;

(2) commends the accomplishments of all of the graduates of the National Guard Youth Challenge Program; and

(3) reaffirms the commitment of the Senate to support—

(A) the National Guard Youth Challenge Program; and

(B) the critical mission of the National Guard Youth Challenge Program to help and develop the character of at-risk youth in the United States.

### SENATE RESOLUTION 134—SUPPORTING THE GOALS AND IDEALS OF THE RISE UP FOR LGBTQI+ YOUTH IN SCHOOLS INITIATIVE, A CALL TO ACTION TO COMMUNITIES ACROSS THE COUNTRY TO DEMAND EQUAL EDUCATIONAL OPPORTUNITY, BASIC CIVIL RIGHTS PROTECTIONS, AND FREEDOM FROM ERASURE FOR ALL STUDENTS, PARTICULARLY LGBTQI+ YOUNG PEOPLE, IN K-12 SCHOOLS

Mr. SCHATZ (for himself and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 134

Whereas young people, teachers, school staff, families, and communities must be free from transphobia, homophobia, racism, sexism, and ableism in K-12 schools;

Whereas K-12 schools must be safe and inclusive learning environments that include and affirm LGBTQI+ young people, especially those who are transgender, nonbinary, intersex, Black, Indigenous, people of color, and people with disabilities and those who are from communities that experience marginalization;

Whereas, for more than 2 decades, Congress has supported a resolution for a National Day of Silence, and, for a decade, Congress has supported a resolution for No Name-Calling Week;

Whereas advocates have designated 2023 to 2024 as a time for communities to support the Rise Up for LGBTQI+ Youth in Schools Initiative in support of LGBTQI+ young people in schools by building on the goals of National Day of Silence and No Name-Calling Week to create a sustained call to action to demand equal educational opportunities, basic civil rights protections, and freedom from erasure for all students;

Whereas LGBTQI+ young people frequently experience bias-based bullying and harassment, discrimination, and punitive discipline that increases the likelihood they will enter the school-to-prison pipeline;

Whereas over 200 anti-LGBTQI+ education bills are introduced each year in State legislatures across the country, the majority of which specifically target transgender and nonbinary young people, including—

(1) in Idaho, where on March 30, 2020, Governor Brad Little signed the first bill into

law barring transgender students from playing on the school sports teams that correspond with their gender identity;

(2) between 2021 and 2022, 17 additional States have enacted laws prohibiting transgender students from playing alongside their peers on school sports teams;

(3) in Tennessee in 2021, Governor Bill Lee signed a bill that allows any student, parent, or employee to sue if they interact with a transgender person in a school bathroom or other facility; and

(4) in 2022, Alabama and Oklahoma enacted laws that prevent transgender students from using the school bathroom or locker room that corresponds with their gender identity;

Whereas GLSEN's 2021 National School Climate Survey found that LGBTQI+ students who experienced LGBTQI+ discrimination at school in the past year, including being prevented from using the restroom that aligns with the student's gender identity and being barred from playing on the school sports team that aligns with the student's gender identity, were nearly 3 times as likely to have missed school in the past month, had lower GPAs, reported lower feelings of school belonging, and had higher levels of depression compared to LGBTQI+ students who had not experienced LGBTQI+ discrimination;

Whereas LGBTQI+ young people are more likely than their non-LGBTQI+ peers to experience mental health concerns, including stress, anxiety, and depression;

Whereas nearly half of LGBTQI+ young people seriously considered suicide in the last year, a trend that increases among Indigenous, Black, and multiracial LGBTQI+ young people;

Whereas the GLSEN's 2021 National School Climate Survey found that, among LGBTQI+ students who said that they were considering dropping out of school, 31.4 percent indicated that they were doing so because of the hostile climate created by gendered school policies and practices;

Whereas States are passing or attempting to pass legislation that erases or censors LGBTQI+ individuals, history, and contributions from classroom literature and curricula, including—

(1) in March 2022, in Florida, Governor Ron DeSantis signed HB 1557 into law censoring instruction related to LGBTQI+ people, commonly referred to as the "Don't Say Gay or Trans" law;

(2) in May 2021, in Arizona, Governor Doug Ducey signed HB 2035, which would require parental consent for a child to learn about topics such as the United States Supreme Court ruling in *Obergefell v. Hodges*, 576 U.S. 644 (2015), that the fundamental right to marry is guaranteed to same-sex couples; and

(3) in 2021, Arkansas, Florida, Montana, and Tennessee enacted laws that treat instruction related to LGBTQI+ individuals in history, science, the arts, or any academic class as a sensitive topic that requires parental notification and allows parents to opt their child out of such instruction;

Whereas these laws harm students and force families to consider leaving their homes, as demonstrated in a Williams Institute report, which found that 56 percent of LGBTQI+ parents of students in Florida considered moving out of Florida and 16.5 percent have taken steps to move out of Florida because of HB 1557;

Whereas States have gone farther by specifically targeting transgender students and their families with policies that attack mental health counseling and gender-affirming care for transgender students, including—

(1) in 2022, in Texas, Governor Greg Abbott issued a directive to the Department of Family and Protective Services to investigate the parents of young people seeking gender-

affirming care for child abuse, which purported to require school professionals to report parents who are supportive of their transgender child for investigation; and

(2) by early March 2023, 34 States have introduced over 135 bills that prohibit or create barriers to the social affirmation of transgender and nonbinary students in schools, such as using a student's chosen name and pronouns, regardless of the risk to the student's safety, health, and wellbeing;

Whereas 85 percent of transgender and nonbinary young people say that recent debates prompted by State legislation restricting the rights of transgender individuals have negatively impacted their mental health;

Whereas every young person must have equal educational opportunity and freedom from the fear that their basic civil and educational rights will be taken away from them;

Whereas young people who develop in positive school climates, free from bullying, harassment, and discrimination, report greater physical and psychological safety, greater mental well-being, and improved educational and life outcomes;

Whereas positive school transformation must recognize that safety is too low of a bar and that all communities deserve to be acknowledged and affirmed in schools;

Whereas students and families, educators, and community members in Arizona, Arkansas, Florida, Idaho, Montana, Tennessee, Texas, and in all States and territories are advocating for safe and inclusive learning environments that affirm LGBTQI+ young people, particularly those who are transgender, nonbinary, Black, Indigenous, people of color, and people with disabilities; and

Whereas we must all demand the best possible future for all young people in schools, particularly those who identify as LGBTQI+, without exception: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of the Rise Up for LGBTQI+ Youth in Schools Initiative in demanding the best possible future for all young people in schools, particularly those who identify as LGBTQI+; and

(2) encourages each State, territory, and locality to support the Rise Up for LGBTQI+ Youth in Schools Initiative and adopt laws and policies that prohibit bias-based victimization, exclusion, and erasure.

#### SENATE RESOLUTION 135—DESIGNATING MARCH 18, 2023, AS "NATIONAL OSCEOLA TURKEY DAY"

Mr. SCOTT of Florida (for himself and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 135

Whereas wild turkey has been an important part of the history and family traditions of the United States;

Whereas wild turkey was on the table at the very first Thanksgiving, and turkey continues to be a mainstay during many holiday traditions;

Whereas wild turkey is a healthy, organic, and delicious source of lean protein;

Whereas 5 subspecies of wild turkey inhabit North America;

Whereas, in the United States, turkey hunters have spent \$76,900,000 per year since 1985 with an economic impact of \$128,700,000 annually;

Whereas Florida has a rich history of wild turkey hunting, management, and research;

Whereas Florida is home to the Wild Turkey Cost Share Program, which is the largest public-private partnership program in

the United States for the maintenance of wild turkey habitat on wildlife management areas and other public lands open to hunting;

Whereas, since the Wild Turkey Cost Share Program began in 1994, upwards of 1,000,000 acres of upland habitat have received funding for turkey habitat management efforts;

Whereas, in the 2022 Florida spring wild turkey season, 25,290 hunters participated in turkey hunting, including 4,744 non-residents of the Sunshine State;

Whereas, in Florida, revenue generated from the sale of wild turkey permits is used for conservation, research, and management of wild turkeys or to promote the cultural heritage of hunting;

Whereas turkey hunters are an important part of the Wild Turkey Cost Share Program, and the money generated from the sale of turkey permits, which are a requirement for hunting wild turkeys in Florida unless exempt, allows the Florida Fish and Wildlife Conservation Commission to make significant contributions to the program each year;

Whereas Florida is home to 2 subspecies of wild turkey, the eastern wild turkey and the Osceola or Florida wild turkey;

Whereas the Osceola is 1 of 5 subspecies of wild turkey in North America;

Whereas the Osceola turkey exists only in peninsular Florida;

Whereas the Osceola subspecies of wild turkey is often perceived as mysterious and the most difficult to harvest because of its small geographic range and the often swampy habitat where it is found;

Whereas hunters in pursuit of all 4 subspecies of turkey in the United States, known as a "Grand Slam", must hunt in Florida; and

Whereas March 4, 2023, is the opening day of turkey harvesting season in part of Florida, and March 18, 2023, is the opening day for the entire state: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 18, 2023, as "National Osceola Turkey Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

#### SENATE RESOLUTION 136—RECOGNIZING THE CONTRIBUTIONS OF AMERICORPS MEMBERS AND ALUMNI AND AMERICORPS SENIORS VOLUNTEERS TO THE LIVES OF THE PEOPLE OF THE UNITED STATES

Mr. CASSIDY (for Mr. COONS (for himself, Mr. CASSIDY, Mr. HEINRICH, Mrs. CAPITO, Mr. REED, Mr. VAN HOLLEN, Mr. BENNET, Mrs. SHAHEEN, Mr. KING, Mr. BROWN, Mr. MANCHIN, and Ms. COLLINS)) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, since their inception, each of the AmeriCorps and AmeriCorps Seniors national service programs have proven to be a highly effective way—

(1) to bring people of all backgrounds throughout the United States together in common cause to meet the most pressing challenges of communities in the United States; and

(2) to promote the ethics of service and volunteerism;

Whereas, each year, more than 200,000 individuals serve in AmeriCorps and AmeriCorps Seniors at nearly 40,000 locations across the United States to give back in an impactful way to communities, States, Tribal nations, and the United States;

Whereas AmeriCorps and AmeriCorps Seniors funds have been invested in nonprofit, community, educational, and faith-based groups, and those funds leverage hundreds of millions of dollars in outside funding and in-kind support each year;

Whereas AmeriCorps members and AmeriCorps Seniors volunteers have provided millions of hours of service nationwide, helping—

- (1) to improve the lives of the most vulnerable people of the United States;
- (2) to protect the environment and restore public lands;
- (3) to contribute to public safety;
- (4) to respond to natural disasters;
- (5) to address food insecurity and public health;
- (6) to strengthen the educational system of the United States; and
- (7) to expand economic opportunity;

Whereas AmeriCorps members and AmeriCorps Seniors volunteers recruit and manage millions of community volunteers, demonstrating the value of AmeriCorps as a powerful force for encouraging people to become involved in volunteering and community service;

Whereas, for more than 5 decades, AmeriCorps Seniors volunteers in the RSVP, Foster Grandparent, and Senior Companion programs have played an important role in strengthening communities by sharing their experience, knowledge, and accomplishments with the individuals they serve;

Whereas, since 1994, more than 1,250,000 AmeriCorps members have taken the AmeriCorps pledge to “get things done for America” through the AmeriCorps State and National, AmeriCorps VISTA, and AmeriCorps NCCC programs;

Whereas AmeriCorps members nationwide, in return for the service of those members, have earned more than \$4,400,000,000 to use to further their own educational advancement at colleges and universities across the United States and to pay back student loans;

Whereas AmeriCorps is a proven pathway to employment, providing members with valuable career skills, experience, and contacts to prepare them for the 21st century workforce and support economic competitiveness in the United States;

Whereas, in 2009, Congress passed the bipartisan Serve America Act (Public Law 111-13; 123 Stat. 1460), which authorized the expansion of national service, expanded opportunities to serve, increased efficiency and accountability, and strengthened the capacity of organizations and communities to solve problems;

Whereas national service programs have engaged millions of people in the United States in results-driven service in the most vulnerable communities of the United States, providing hope and help to individuals with economic and social needs;

Whereas national service and volunteerism demonstrate the best of the spirit of the United States, with people solving problems by working together to find community solutions; and

Whereas AmeriCorps Week, observed in 2023 from March 12 through March 18, is an appropriate time for the people of the United States—

- (1) to salute current and former AmeriCorps members and AmeriCorps Seniors volunteers for their positive impact on generations of Americans;
- (2) to thank the grantees, State service commissions, and community partners of AmeriCorps and AmeriCorps Seniors for making the programs possible; and
- (3) to encourage more people in the United States to become involved in service and volunteering; Now, therefore, be it

*Resolved*, That the Senate—

(1) encourages the people of the United States to join in a national effort—

(A) to salute AmeriCorps members and alumni and AmeriCorps Seniors volunteers; and

(B) to raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the members, volunteers, alumni, and community partners of AmeriCorps and AmeriCorps Seniors;

(3) recognizes the important contributions made by AmeriCorps members and alumni and AmeriCorps Seniors volunteers to the lives of the people of the United States; and

(4) encourages individuals of all ages to consider opportunities to serve in AmeriCorps and AmeriCorps Seniors.

#### SENATE RESOLUTION 137—HONORING THE VOLUNTEERS OF THE COAST GUARD OMBUDSMAN PROGRAM ON OMBUDSMAN APPRECIATION DAY

Ms. CANTWELL (for herself, Mr. CRUZ, Ms. BALDWIN, and Mr. SULLIVAN) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas the Coast Guard Ombudsman program was formally established by Admiral James S. Gracey, the 17th Commandant of the Coast Guard, to provide a link between the Coast Guard command and Coast Guard families through the engagement of spouses of members of the Coast Guard;

Whereas the leadership of Wanda Allen-Yearout for over 36 years helped establish and shape the Coast Guard Ombudsman program into the robust volunteer force it is today;

Whereas Ombudsman Appreciation Day is celebrated on March 26, 2023, to honor Coast Guard ombudsmen for the dedicated service they provide to the mission-ready workforce of the Coast Guard;

Whereas Coast Guard ombudsmen serve as volunteers—

- (1) providing information and referral resources; and
- (2) acting as advocates for the families of members of the Coast Guard;

Whereas the selfless Coast Guard ombudsmen volunteers are essential to the success of the Coast Guard, supporting families to enable service members and service commands to focus on mission requirements;

Whereas, in 2022, Coast Guard service members were helping the public and carrying out missions, and ombudsmen across the Coast Guard were helping by making over 350,000 contacts with, and volunteering more than 13,000 hours to assist, Coast Guard families;

Whereas, recognizing that military service involves sacrifices and difficulties with separation from family, frequent moves, new schools, and long distances from loved ones, Coast Guard ombudsmen respond to ensure military families are not alone by providing vital information to facilitate the transitions of those families to new assignments and to overcome family challenges;

Whereas Coast Guard ombudsmen were vital to supporting family members after the terrorist attacks on September 11th, 2001, the most extensive organizational transformation of the Coast Guard since World War II;

Whereas, as the Coast Guard responded to and rescued displaced people during Hurricane Katrina, Coast Guard ombudsmen, often consisting of spouses of Coast Guard rescuers and hurricane evacuees—

- (1) tracked and accounted for Coast Guard families;

(2) rendered assistance; and

(3) communicated vital evacuation information;

Whereas, during the COVID-19 pandemic, Coast Guard ombudsmen recognized challenges and ensured the operational readiness of the Coast Guard was maintained by providing direct support to Coast Guard families; and

Whereas, by volunteering on the home front, being available for Coast Guard families, and helping Coast Guard families obtain the resources and information necessary for success, Coast Guard ombudsmen help ensure that members of the Coast Guard and their families remain “Always Ready” to meet the needs of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates Ombudsman Appreciation Day and Coast Guard ombudsmen on March 26, 2023;

(2) is grateful to the women and men who volunteer their time as Coast Guard ombudsmen to assist the families of members of the Coast Guard; and

(3) congratulates the volunteers of the Coast Guard Ombudsman program on 37 years of service.

#### SENATE RESOLUTION 138—HIGHLIGHTING THE RISKS THAT ENVIRONMENTAL DEFENDERS FACE AROUND THE WORLD AND COMMENDING THEIR ROLE IN DEFENDING HUMAN RIGHTS, COMBATING CLIMATE CHAOS, AND SUPPORTING A CLEAN, HEALTHY, AND SUSTAINABLE ENVIRONMENT

Mr. MERKLEY (for himself, Mr. KAINE, Mr. BOOKER, Mr. WHITEHOUSE, Mr. PADILLA, and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 138

Whereas, around the world, environmental defenders—individuals exercising their human rights to try to peacefully protect an area or the natural resources of such area from negative environmental impact by an ongoing or proposed activity—face persecution from government, private sector, and criminal actors, including restrictions on free speech and assembly, criminalization, civil lawsuits, surveillance, harassment, verbal, cyber, and physical intimidation, sexual assault, and targeted murder;

Whereas at least 1,733 environmental defenders have been reported killed since 2012, with at least 200 killed in 2021;

Whereas at least 1,179 environmental defenders have been reported killed in Latin America and the Caribbean since 2012, making it the region with the highest number of environmental defender deaths and persecution overall, exemplified by the cases of—

(1) Homero Gómez González, who was forcibly disappeared and found dead in Mexico with reported signs of torture after fighting to protect the wintering grounds of the monarch butterfly from illegal logging;

(2) Bruno Pereira, an advocate for the Indigenous Peoples of Brazil’s Amazon, who received threats and was murdered for standing up to illegal logging, mining, and drug trafficking;

(3) Berta Cáceres, a Lenca Indigenous woman, whose murder was ordered by the Honduran company, Desarrollos Energéticos SA, for organizing protests that led to the cancellation of the proposed Agua Zarca Dam; and

(4) the Q'eqchi Mayan Indigenous community, which faces defamation, violent evictions, harassment, and assault by the Guatemalan National Civil Police Force for peacefully protesting the operations of the Fenix mine and growth of palm plantations on their territory;

Whereas at least 427 environmental defenders have been reported killed in Asia since 2012, and governments in the region have also targeted environmental defenders in other manners, including—

(1) the Government of Vietnam, which has sought to silence environmental activist Dang Dinh Bach through imprisonment;

(2) the Government of the Philippines, which has enacted red-tagging campaigns to turn public sentiment against organizations like the Kalikasan People's Network for the Environment; and

(3) the Government of the People's Republic of China, which has falsely charged environmental activists Li Genshan, Zhang Baoqi, and Niu Haibo for illegally hunting or killing wildlife;

Whereas the Government of Egypt hosted the 27th Conference of Parties (COP) of the United Nations Framework Convention on Climate Change, while government security forces held environmental activists Ahmed Amasha and Seif Fateen in extended, arbitrary pretrial detention for joining a terrorist group after forcibly disappearing and torturing them for exercising their rights to free expression;

Whereas Ali Ulvi Büyüknöhtüçü and Aysin Büyüknöhtüçü of Türkiye won lawsuits against mining companies who illegally operated pollution-creating quarries, but were shot and killed by gunmen with alleged ties to those companies;

Whereas fossil fuel companies, mining operations, agribusiness plantations, and mega dams are major causes of environmental destruction and are also being used to drive communities from their homes and their lands;

Whereas rampant corruption and weak rule of law enables those targeting environmental defenders to operate with impunity; and

Whereas civil society is, and should be, a powerful voice for individuals experiencing and at risk from the effects of worsening climate chaos, including Indigenous Peoples whose ancestral rights, lives, traditional lands, and cultural practices are disproportionately threatened by climate chaos: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends and expresses solidarity with environmental defenders as crucial members of civil society who defend both human rights and the environment and play a crucial role in tackling climate chaos;

(2) strongly condemns the targeting, harassment, and unlawful detention of any individual or group for exercising their rights of free association and expression, including advocacy on environmental matters, reporting and seeking information on environmental violations and abuses, or cooperation with local, regional, national, or international mechanisms;

(3) welcomes the relevant principles of the Rio Declaration on Environment and Development, done at Rio de Janeiro 1992, and United Nations Human Rights Council Resolution A/HRC/RES/40/11 (2019) as global advancements in recognizing the crucial role that environmental defenders play as human rights defenders;

(4) welcomes the relevant principles of United Nations General Assembly Resolution A/RES/76/300 (2022) as advancing the global conversation towards the importance of a clean, healthy, and sustainable environment as an international human right;

(5) welcomes the United States Government's assertion during its time as Summit Chair of the Ninth Summit of the Americas that environmental defenders should not be denied access to basic environmental information, public participation in proposed projects that would affect their communities, or justice as they seek legal redress from government authorities;

(6) urges the United States Government to consult and cooperate in good faith with Indigenous Peoples who are concerned with the environment in order to obtain the free, prior, and informed consent of such Indigenous Peoples, without coercion, prior to the approval of any project affecting the lands, territories, religious practices, or other natural and cultural resources of such Indigenous Peoples;

(7) welcomes the work of the Department of State-led Interagency Working Group, which invites more than 1000 officials across more than 20 Federal agencies, to reduce violence against environmental defenders and to properly monitor and address the expanding nature and cases of persecution against environmental defenders;

(8) calls for the President to prioritize the global leadership of the United States in tackling reprisals against environmental defenders through a whole-of-government approach in collaboration with foreign governments, multilateral organizations, and civil society organizations;

(9) urges the Department of State to integrate concerns about environmental defenders in all appropriate engagements to exert diplomatic pressure and speak out publicly in countries where environmental defenders are at risk;

(10) requests that the Department of State establish a position focused on environmental defenders within the Bureau of Democracy, Human Rights, and Labor;

(11) requests that the United States Agency for International Development prioritize the finalization of an independent accountability mechanism and the establishment of a position to integrate protection of environmental defenders across broader environmental, economic growth, and human rights and democracy programming in order to better achieve its 2022-2030 Climate Strategy, which seeks to promote a safe and secure political environment at all levels of governance for Indigenous Peoples, human rights and environmental defenders, and local communities to participate in climate actions and the protection of civil society and environmental defenders, including land and resource rights for effective climate outcomes;

(12) encourages the United States International Development Finance Corporation to improve transparency through its independent accountability mechanism, conduct due diligence with partners, and engage in local consultation processes based on free, prior, and informed consent;

(13) encourages the United States Government to use its voice and vote within international financial institutions to ensure that United States taxpayer dollars do not support individuals, foreign governments, or private sector entities that adversely affect the environment or target or expose to harm persons who speak out against such individuals and entities;

(14) encourages the United States to use its leadership in the United Nations Human Rights Council to ensure that the intergovernmental working group on transnational corporations and other business enterprises with respect to human rights that was adopted by United Nations Human Rights Council Resolution A/HRC/RES/26/9 (2014), creates an internationally legally binding instrument that supports and protects human rights defenders, including environmental defenders;

(15) calls for responsible conduct of United States companies, financial institutions, and investors in relation to the freedoms and rights of Indigenous communities and other environmental defenders, particularly in the agribusiness, fossil fuel, mining, and hydroelectricity sectors; and

(16) calls for the United States to use its influence as a member of the Parties to the United Nations Framework Convention on Climate Change to push for the Conference of Parties to only take place in countries that have and actively encourage a thriving civil society and have taken concrete actions to tackle climate chaos, which stands in contrast to the selection of Egypt and the United Arab Emirates who were selected as hosts in 2022 and 2023, respectively.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 57. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 57. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 870, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_. COLLATERAL REQUIREMENTS FOR DISASTER LOANS.

Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended in the third proviso—

(1) by striking “\$14,000” and inserting “\$25,000”; and

(2) by striking “major disaster” and inserting “disaster”.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. CARDIN. Madam President, I have nine requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 10 a.m., to conduct a hearing.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 10:45 a.m., to conduct a business meeting.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 2:30 p.m., to conduct an open hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 9:30 a.m., to conduct a hearing.

SUBCOMMITTEE ON HEALTH CARE

The Subcommittee on Health Care of the Committee on Finance is authorized to meet during the session of the Senate on Wednesday, March 29, 2023, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. Kaine. Madam President, I ask unanimous consent that my State Department fellow, Nathan Lee, be granted floor privileges for the duration of his fellowship with my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. Shaheen. Madam President, I ask unanimous consent that my Defense fellow, Quentin Miller, and my foreign policy fellow, Alicia Edwards, be given floor privileges for the remainder of the 118th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH  
30, 2023

Mr. Schumer. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, March 30; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the con-

clusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 28, S. 870, and that all time be considered expired; further, that at 1:45 p.m., the Senate proceed to executive session to resume consideration of the Taylor-Kale nomination and vote on the confirmation of the nomination; that upon disposition of the nomination, the Senate resume legislative session; finally, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. Schumer. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, March 30, 2023, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 29, 2023:

THE JUDICIARY

MATTHEW P. BROOKMAN, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.